Gary Hoerty Associates

Suite 9
Grindleton Business Centre
The Spinney
Grindleton
Clitheroe
Lancashire
BB7 4DH

Tel: 01200 449700
www.ghaonline.co.uk
email: info@ghaonline.co.uk

PLANNING STATEMENT

OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE DEMOLITION OF A REDUNDANT WATER TOWER AND VALVE HOUSE AND THE ERECTION OF ONE SELF-BUILD DWELLING AND DETACHED GARAGE ON LAND AT VICARAGE LANE, WILPSHIRE, BLACKBURN, BB1 9HY.

Prepared by: **Gary Hoerty BSc MRICS FAAV**
Our Client: **Mrs M Riding**
Our Ref: **Rid/1216/3795/GH**
Date: **October 2026**

CONTENTS

1.0	**INTRODUCTION**	**Page 3**
2.0	**SITE LOCATION AND DESCRIPTION**	**Page 4**
3.0	**THE PROPOSED DEVELOPMENT**	**Page 4**
4.0	**PLANNING HISTORY**	**Page 5**
5.0	**PLANNING POLICY CONTEXT**	**Page 6**
6.0	**PLANNING APPEAL DECISIONS**	**Page 13**
7.0	**PLANNING CONSIDERATIONS**	**Page 16**
8.0	**TECHNICAL CONSDERATIONS**	**Page 19**
9.0	**CONCLUSION**	**Page 21**

APPENDICES

Appendix 1 Appeal Decision APP/T2350/W/22/3313432

Appendix 2 Appeal Decisions in respect of self-build and custom build development

Appendix 3 Appeal Decision Ref 60060967

1. INTRODUCTION

1.1 This Planning Statement has been prepared by Gary Hoerty Associates on behalf of Mrs Riding who owns the application site and the immediately adjoining land upon which a derelict former water tower and valve house are located. This Statement supports an outline planning application (with all matters reserved except for access) for the demolition of the water tower and valve house and the erection of one self-build dwelling and detached garage on the adjacent land. It will see the removal of an eyesore and the reinstatement of the land upon which it is located back to grassland which will be returned to agricultural use.

1.2 The water tower and valve house are in a very dilapidated condition and have become the target of anti-social behaviour, they no longer serve any useful purpose and there is no justification to spend money maintaining the structures which will therefore continue to fall into disrepair and be a blot on the landscape as well as a danger to members of the public, in particular children. Attempts have been made to convert and re-use the buildings, which would have resulted in their restoration and improvement, in 1998 planning permission was granted on appeal for the conversion of the buildings into a single dwelling under appeal reference T/APP/T2350/A/98/295099/P2 and in 2001 planning application 3/2001/0646, which sought to renew the permission granted on appeal was approved. However, the approved development was not implemented and the planning permission lapsed.

1.3 Following the purchase of the property by the applicant's father John Turner, Gary Hoerty Associates were instructed to submit a planning application on his behalf to re-establish permission for the conversion of the building into a single dwelling and we submitted application 3/2021/0646 in an attempt to achieve this. However, notwithstanding the earlier approvals for the conversion of the buildings the application was refused, and this decision was upheld on appeal. However, the latest version of the NPPF contains policies which now carry more weight when determining planning applications and it is our opinion that some of these policies provide clear support for the conversion of any type of rural building provided it is lawful and of permanent and substantial construction. We are of the opinion that if a new application were submitted for the conversion of the water tower and valve house that this would have a much greater chance of being approved and presents a fall-back position should this application be refused.

1.4 The buildings are a liability and an eyesore and the new owner of the site, Mr Turner's daughter Mrs Riding wants to find a way of making beneficial use of the site and to secure the removal of the dilapidated structures. We are of the opinion that the site offers an excellent opportunity to provide a self-build dwelling.

1.5 The submission of this application follows the submission of application 3/2025/0560 which was for the same development, that application was submitted on 17 July 2025 but wasn't validated due to the lack of an arboricultural report and was withdrawn on 19 February 2026. The current application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. There has been a significant development since application 3/2025/0560 was submitted which is that it has now been established that the Council is unable to demonstrate that it has a Framework compliant supply of housing land.

1.6 The proposed development, if approved, will deliver one self-build dwelling that meets the definition of self and custom housebuilding as set out in the Self-build and Custom Housebuilding Act 2015. Accordingly, the proposed development will provide a contribution towards meeting the unmet demand for self-build plots in the Borough,

which the Council is under a statutory duty to provide as well as contributing to the Council's five-year housing land supply.

1.7 We set out in this Planning Statement a description of the application site, a description of the proposed development, the recent planning history of the property, details of the relevant planning policies against which the development will be assessed and provide the planning case for the approval of the proposed development.

2. SITE LOCATION AND DESCRIPTION

2.1 The application site comprises a parcel of land extending to approximately 0.18Ha or thereabouts which is located to the north of Vicarage Lane and is situated between the residential curtilage of The Follies Bungalow to the west and a railway line to the east. On the eastern side of the railway line there is another dwelling, Wilpshire Lane Farm and its garden. The application site while being located in the open countryside is not isolated rather it sits within a group of six dwellings that are situated on the northern fringes of the village of Wilpshire, the settlement boundary being circa 120m to the south of the application site.

2.2 The railway line referred to above provides services between Clitheroe and Manchester and there is a station in Wilpshire which is approximately 1.8Km from the site.

2.3 The application site is accessed via an existing hard surfaced track off Vicarage Lane which passes between the pair of cottages to the west and the railway line to the east.

2.4 According to the Ribble Valley Borough Council's Local Plan Policies Map (adopted October 2019), the site is located outside of any defined settlement boundaries therefore is regarded as falling within the open countryside. Wilpshire is identified as one of a number of Tier 1 villages in the Ribble Borough Council Core Strategy, while the majority of new housing will be directed towards Clitheroe, Longridge and Whalley beyond the three principal settlements and the strategic Standen site development will be focused towards the Tier 1 Villages due to their sustainability.

2.5 The site is located entirely in Flood Zone 1, at low risk of flooding from fluvial sources and is in an area at very low risk of flooding from surface water flooding.

2.6 There are no statutory heritage assets within or immediately adjacent to the site.

2.7 There is a public footpath, FP0346005, which is situated on land that is outside of the applicant's ownership which runs parallel with the western boundary of the site.

3. THE PROPOSED DEVELOPMENT

3.1 The application seeks outline planning permission (with all matters reserved except for access) for the demolition of a redundant water tower and valve house and the erection of one self-build dwelling and a detached garage on land off Vicarage Lane, Wilpshire. All other remaining matters of detail (appearance, landscaping, layout and scale) are reserved for subsequent approval at the reserved matters stage.

3.2 The application creates an opportunity for someone wanting to undertake a self-build to provide a bespoke, high-quality, sustainable, self-build dwelling that appropriately regenerates previously developed land and integrates well with adjacent residential

development. It is anticipated that the proposed dwelling would be of two-story construction (possibly with some accommodation in the roof space) and would have a detached double garage. The plot will provide an appropriate area of land to be used as a garden, parking and turning area.

3.3 The application proposals also entail the demolition of a single-storey brick-built valve house and concrete water tower both of which are redundant and an eyesore and the restoration of the land they currently occupy back to agricultural use.

3.4 Access will be taken by way of Vicarage Lane and will utilise the route of an existing track, which has recently been cleared of an accumulation of vegetation, which runs alongside the boundary with the railway line that sits to the east of the site.

3.5 Self-build is very common abroad but is underutilised in the UK. Self-build is a different housing option compared to regular residential dwellings because a self-build plot gives purchasers the ability to customise the property, to make it fit their needs, and even tailor it to suit their current and future needs. Importantly, self-build housing is a cost-effective way to obtain a dwelling as it removes the profit normally taken by a developer from the cost of development. As a result, self-build houses are likely to be high-quality homes for life.

3.6 While determined at reserved matters stage, the design, appearance, layout and scale of the dwelling will be informed having regard to the surrounding residential vernacular and landscape context of the site. Notwithstanding this it is envisaged that the proposed dwelling would be sensitively designed to reflect the character and appearance of the area, allowing the dwelling to fit in comfortably with its setting.

3.7 Detailed matters relating to sustainability and energy usage would be dealt with at the reserved matters stage and custom designed to suit the needs of the self-builder. It is anticipated that the new dwelling will be delivered to a high level of sustainable construction, providing good levels of thermal insulation and ventilation, maximising solar gain where possible.

4. PLANNING HISTORY

4.1 A search of planning applications on the Council website has revealed a number of recent planning applications in respect of the application site which are listed below.

4.2 Planning application number 3/98/0097/P was an application for the conversion of water tower and valve house to create one dwelling. The application was submitted on 3 February 1998 and was refused on 3 April 1998. The decision to refuse the application was referred to appeal under reference T/APP/T2350/A/98/295099/P2 and in a decision dated 26 August 1998 the appeal was allowed, and planning permission was granted. The appeal decision references an earlier application in 1992 which was also the subject of an appeal that was unsuccessful.

4.3 Planning application number 3/2001/0646 was an application for the conversion of water tower and valve house to create one dwelling. The application was submitted on 23 August 2001 and approved with conditions on 9 October 2001.

4.4 Planning application number 3/2022/0619 was an application for the conversion of redundant water tower and valve house to create single dwelling to include the creation of a short access track. The application was registered on 6 July 2022 was refused on 22 August 2022. The decision notice gave four reasons for refusal as follows:

1. *The proposal is considered contrary to Policy DMH4 in that the building(s) to be converted do not benefit from a historic use for agricultural uses or a rural enterprise and that the buildings fail to be worthy of retention by virtue of their lack of intrinsic interest, potential or contribution to their setting.*

2. *The proposal, by virtue of the design and external appearance of the proposed dwelling, extents of associated access track, extent of residential curtilage and likely related domestic paraphernalia, would result in the introduction of an unsympathetic, incongruous, anomalous and discordant from of development that would result in a harmful suburbanising effect upon the landscape, being of significant detriment to the character and visual amenities of the defined open countryside.*

   As such the proposal is considered to be in direct conflict with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area.

3. *The proposal is considered contrary to Key Statements DS1, DS2, and Policy DMG2 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling within the defined open countryside, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.*

4. *The creation of a new residential dwelling in this location would lead to an unsustainable pattern of development, without sufficient or adequate justification, insofar that occupants of the residential dwelling would fail to benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.*

4.5 The decision to refuse application 3/2022/0619 was challenged at appeal but was dismissed by the Planning Inspectorate on 24 August 2023 under appeal reference APP/T2350/W/22/3313432. A copy of the Appeal Decision is attached at Appendix 1 of this Statement.

4.6 Planning application 3/2025/0560 was an outline planning application (all matters reserved except for access) for the erection of one self-build dwelling and associated works. The application was submitted on 17 July 2025 and was withdrawn on 19 February 2026.

5. PLANNING POLICY CONTEXT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with adopted Development unless material considerations indicate otherwise.

5.2 In this instance, the adopted development plan comprises the Ribble Valley Borough Council Core Strategy 2008 – 2028 (adopted 16 December 2014). Other relevant

material considerations inter alia include the National Planning Policy Framework 2026 (NPPF), Planning Practice Guidance (PPG) and National Design Guide.

Ribble Valley Borough Council Core Strategy (adopted December 2014)

5.3 Key Statement DS1 'Development Strategy' of the Ribble Valley 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. It outlines that the majority of new housing development will be concentrated within the identified strategic site and the principal settlements: Clitheroe, Longridge and Whalley. Key Statement DS1 continues stating that in addition to the strategic site and the principal settlements development will be focused towards the Tier 1 Villages.

5.4 Key Statement DS2 'Presumption in Favour of Sustainable Development' outlines that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This policy confirms the Council's commitment to always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

5.5 Key Statement EN2 'Landscape' relates predominately to seeking to protect, conserve and enhance the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty, with any development needing to contribute to the conservation of the natural beauty of the area. Development is expected to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.

5.6 Key Statement EN3 'Sustainable Development and Climate Change' states that the Council will seek to ensure that all development meets an appropriate recognised sustainable design and construction standard where viable to do so, in order to address both the causes and consequences of climate change.

5.7 Key Statement EN4 'Biodiversity and Geodiversity' advises that the Council will seek wherever possible to conserve and enhance the area's biodiversity and geodiversity and to avoid the fragmentation and isolation of natural habitats and help develop green corridors.

5.8 Key Statement H1 'Housing Provision' states residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the period 2008 to 2028 in accordance with baseline information. The policy states that a 'plan-monitor-manage' approach will be adopted and a monitoring report will be the key tool in tracking the five-year rolling land supply.

5.9 Key Statement H2 'Housing Balance' states that planning permission for residential development will only be granted where it can be demonstrated that it delivers a suitable mix of housing that accords with the projected future household requirements and local need across Ribble Valley.

5.10 Key Statement DMI2 'Transport Considerations' advises that new development should be located to minimise the need to travel and should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel

by private car. In general, schemes offering opportunities for more sustainable means of transport and sustainable travel improvements will be supported.

5.11 Key Statement DMG1 ‘General Considerations’ outlines a range of criteria relating to design, access, amenity, environment and infrastructure which aims to help the Council deliver the vision for the area and to achieve quality development.

5.12 Key Statement DMG2 ‘Strategic Considerations’ outlines further strategic considerations relating to development. This policy assists in the interpretation of the Development Strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. It identifies what forms of development are acceptable within the Tier 2 Villages and outside the defined settlement areas stating that development must meet one of the following considerations:

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.*

5.13 Key Statement DMG3 ‘Transport & Mobility’ relates predominately to major development proposals, however this policy states that all development will be required to provide adequate car parking and serving space in accordance with the current standards.

5.14 Key Statement DME1 ‘Protecting trees and woodlands’ outlines that where applications are likely to have a substantial effect on tree cover, the Council will require detailed arboricultural survey information and a tree constraints plan, including appropriate plans and particulars.

5.15 Key Statement DME2 ‘Landscape and Townscape protection’ confirms development proposals will be refused which significantly harm important landscape or landscape features.

5.16 Key Statement DME3 ‘Site and species protection and conservation’ relates to the protection and conservation of protected species.

5.17 Key Statement DME6 ‘Water Management’ states that development will not be permitted where the proposal would be at an unacceptable risk of flooding or exacerbate flooding elsewhere.

5.18 Key Statement DMH3 ’Dwellings in the open countryside and the AONB’ sets out the limited circumstances when planning permission will be granted for residential development these are dwellings to meet an identified local need such as rural workers dwellings; the conversion of suitable buildings and the rebuilding/replacement of existing dwellings.

National Planning Policy Framework (NPPF 2026) (August 2026)

5.19 The National Planning Policy Framework (2026) is now the main national planning policy guidance influencing planning decision making in England. It sets out the Government’s planning policies for England and how these should be applied. This latest version of the NPPF states that it is a material consideration of critical importance in both plan making and decision taking. This version of the NPPF contains policies that if contrary to the policies of an adopted local plan take precedence.

5.20 Paragraph 15 of the NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. As per paragraph 16 at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.21 Paragraph 17 sets out the three overarching objectives of achieving sustainable development through the planning system:

- *an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- *a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

- *an environmental objective - to support efforts to mitigate and adapt to climate change, including moving to a low carbon economy; and to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, and minimising waste and pollution.*

5.22 Section 3 of the NPPF sets out decision-making policies and Policy DM3: Determining development proposals states:

1. When considering development proposals, local planning authorities should:

a. Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;

b. Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;

c. Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;

d. Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal;

e. Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and

f. Not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

5.23 Section 4 of the NPPF deals with achieving sustainable development and the stated objective of the policies in this section is:

To meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.

5.24 Policy S3: Presumption in favour of sustainable development states:

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.

5.25 Policy S5: Principle of development outside settlements sets out in paragraph 1 a list of developments that will be acceptable in principle, two of which we consider to be relevant to the determination of this application:

d. The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential);

e. Limited infilling within groups of houses

5.26 Paragraph 3 of Policy S5 states:

Development proposals comprising isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with policy HO11.

5.27 Section 6 of the NPPF deals with delivering a sufficient supply of homes and the stated objective of the policies in this section is:

To support the delivery of a substantial increase in the supply of homes and traveller sites, by ensuring that a sufficient amount and variety of land can come forward where needed. This includes planning for an appropriate mix of accommodation for the local community and ensuring that land with permission is developed without unnecessary delay.

5.28 This section contains plan making policies HO1 to HO6 and decision-making policies HO7 to HO13.

5.29 Policy HO1: Assessing the need for homes, identifies the need for spatial development strategies to be based upon a number of things, a housing needs assessment, an assessment of the needs of travellers and an understanding of any accommodation needs that cannot be met within neighbouring areas. It says that plans should take into account the needs of different groups one of which is identified as people wishing to commission or build their own homes.

5.30 Policy HO5: Meeting the needs of different groups, identifies that the development plan should set out policies to address the housing needs of different groups including but not limited to those assessed under policy HO1. This as set out in paragraph c requires the LPA to identify sites which can provide plots for self and custom build housing.

5.31 Policy HO7: Meeting the need for homes states:

1. *In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.*

Planning Practice Guidance

5.32 The National Planning Practice Guidance (PPG) was published on 29 November 2016 and most recently updated on 23 September 2026. The PPG provides supporting planning guidance on a range of planning matters and supplements the policies contained within the NPPF.

5.33 The most relevant PPG in relation to the proposed development is titled ‘Self-build and custom housebuilding’. Paragraph 016 (Reference ID: 57-016-20210208) states:

Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation (‘turnkey’).

5.34 Paragraph 023 (Reference ID: 57-023-201760728) states:

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.

The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.

At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

The Self-build and Custom Housebuilding Act 2015

5.35 The Self-build and Custom Housebuilding Act 2015 provides a legal definition of self-build and custom housebuilding:

It means the building or completion by individuals, associations of individuals, or *persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans and specifications decided or offered by that person.*

5.36 Section 2A Clause 2 identifies that local authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period (each 12 months to 30 October).

5.37 Section 2A Clause 6 identifies that for the purposes of Section 2A the demand for self-build and custom housebuilding is evidenced by the number of entries added to the authorities register during a base period.

Other Material Considerations

Housing Land Supply

5.38 As a consequence of the outcome of a planning appeal in respect of the refusal of application 3/2025/0414, land to the south of Chatburn Od Road, Chatburn (appeal reference APP/T2350/W/25/3372635) it was held that the Council could not demonstrate a 5-year housing land supply, at the time of the appeal hearing it was determined by the Inspector that the Council had a 3.45 year supply.

5.39 The Council following the determination of this appeal made reference to the fact that they did not have a five-year supply of housing land in respect of officer reports for other housing development in the Borough.

5.40 A further planning appeal was allowed (appeal reference number 6002485) in respect of the Council's refusal of planning application 3/2025/0196, land south of Longsight Road, Langho, which was an application for the development of up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable

drainage systems. In his decision the Inspector in respect of housing land supply made the following statement:

> *25. Although the main parties have differing views on the extent of the housing delivery shortfall, it is common ground between them that the Council cannot currently demonstrate a Framework compliant supply of housing land. While it may be lower, I have used the Council's figure of some 3.5 years as a benchmark to assist in making my decision. Accordingly, that the appeal development would be at odds with the spatial strategy for the Borough and conflict, in that regard, with the Local Plan, currently carries limited weight.*

5.41 At paragraph 44 the Inspector states that he has found that the proposed development would have a harmful effect on the character and appearance of the area contrary to several policies of the Local Plan. He acknowledges that there were strong reasons for refusing the application but because the Council cannot demonstrate a Framework compliant supply of housing land, the tilted balance applies as set out in paragraph 11 of the Framework.

5.42 At paragraph 48 the Inspector says that regardless of the tilted balance the identified harm would be comfortably outweighed by the benefits of delivering the proposed dwellings and that if he agreed with the Council regarding the effect of the appeal scheme on sustainable modes of transport and on biodiversity, including in terms of BNG, it would not have altered the outcome of the planning balance. In other words, he has indicated that even if he had found the site to be in an unsustainable location in terms of modes of transport this would not have resulted in the application being refused because the harm would attract only moderate weight.

5.43 The Council has recently, August 2026, published a report in respect of its 5 year housing land supply position 1st April 2025 – 31st March 2026. The conclusion of that report is that as at 1st April 2026 the Council can only demonstrate a 2.24 year housing land supply.

6. RELEVANT PLANNING APPEAL DECISIONS

6.1 We attach at Appendix 2 a number of planning appeal decisions that we consider to be relevant to the determination of this application.

APP/T2350/W/23/3335737 – Land adjacent to 110 Ribchester Road, Clayton le Dale, Blackburn.

6.2 This was an appeal against Ribble Valley Borough Council's refusal to grant planning permission for one self-build dwelling on the application site. The appeal was allowed and permission was granted; the application site was, like the one in Mrs Riding's application, located outside but in close proximity to the settlement boundary of Wilpshire. We acknowledge that the appeal site was located in closer proximity to the settlement boundary, however at the time when the appeal was determined and unlike at the present time, it was not established that the Council did not have a five-year housing land supply. Notwithstanding this the Inspector allowed the appeal. In making this decision the Inspector at paragraph 8 stated:

As a result, the proposal would be contrary to the development strategy of the CS and would conflict with Policies DMG2 and DMH3.

6.3 With respect to the unmet need to provide self-build plots the Inspector at paragraph 12 stated:

Moreover, unmet demand is now cumulative, so any demand that has not been met within the three-year compliance period does not dissipate but rolls over and remains part of the demand that an authority has to meet.

6.4 At paragraph 16 the Inspector said that although she did not have accurate figures for the demand for self-build and custom housebuilding in the authority on the basis of the evidence that she had, it appeared that demand is significantly greater than the Council estimates and that it is likely that demand is likely to increase in forthcoming years. In paragraph 17 she said that in light of this *"substantial weight should be given to the fact that it is a self-build dwelling that would contribute towards meeting the significant demand for such housing in the Borough."*

6.5 In terms of the impact of the proposed development on the character and appearance of the area the Inspector said *"the development of the site would be seen as a natural extension of the row of houses on this side of the road. Whilst it would change the character of this part of the field, visually it would not be seen as an incongruous incursion into the countryside".* Given the fact that the development site in Mrs Riding's application is part of a group of dwellings the same conclusion can be drawn in respect of the impact that the development of the proposed dwelling would have on character and appearance.

6.6 It is interesting to note that in terms of the sustainability of the location of the development the Inspector states that the future occupiers of the proposed dwelling would not be solely reliant on the private car for all their day-to-day needs. This is similar to the Inspectors comments in respect of the last appeal involving the water tower when he said that the location of the appeal site does provide opportunity to access Wilpshire other than the private car, and has some access by foot and cycle, there would be no strong conflict with CS Policy DM12 or DMG3.

APP/H1840/W/20/3255340 – Land at Church Lane, Whittington

6.7 This was an appeal against Wychavon District Council's refusal to grant planning permission for two self-build dwellings. The Inspector dealing with this appeal identified the main issue to be whether the proposal is in an acceptable location with regards the development strategy for the area.

6.8 The Inspector at paragraph 3 referenced the requirement set out in the NPPF for Council's to give enough suitable development permissions to meet the identified demand for those who want to commission or build their own homes. The applicant provided evidence to demonstrate that the Council were not supplying sufficient permissions to meet the demand, stating:

Consequently, and notwithstanding the existence of a five-year housing land supply more generally, the significant undersupply of self-build housing in the second base period carries substantial weight in favour of the proposal in helping to meet statutory requirements.

6.9 At paragraph 6 the Inspector states:

In accordance with the Policies Map associated with the SWDP, it is clear that the site lies beyond defined development boundaries. Accordingly, the site is located within

the countryside and Policy SWDP2 states that the development of dwellings in such locations will be strictly controlled.

6.10 The Inspector noted that the local plan did not treat self-build housing as an exception to Policy SWDP2, However, he considered that because of the development in the immediate vicinity of the site, similar to the development in the immediate vicinity of our site, it did not have an undeveloped rural character or appearance.

6.11 At paragraph 10 the Inspector concludes his assessment stating:

Overall, the proposal would not be in an appropriate location, conflicting with Policies SWDP1, SWDP2 and SWDP21 of the SWDP, as these policies seek to protect the countryside and significant gaps from urbanising development. However, I have identified an undersupply of self-build housing, and the policy objectives under Paragraph 61 of Framework, as a material consideration carrying substantial weight in favour of the proposal that outweighs the limited harm from conflict with the development plan in this particular case.

APP/W3520/W/23/3316136 – Land West of Suffolk House, Norton, Suffolk

6.12 This was an appeal against Mid Suffolk District Council's refusal to grant planning permission for the erection of nine self-build/custom build dwellings. The application site was located within the open countryside, and the council had a robust five-year housing land supply. There was a clear shortfall of self-build and custom dwellings and the statutory duty to provide enough serviced plots had therefore not been met and the Inspector at paragraph 13 stated that the weight of failing to meet the statutory duty is substantial. This weighed in favour of the proposal as a departure from the Development Plan.

6.13 The Council did not have an adopted policy for self-building at the time of the appeal. The Inspector acknowledged that future residents may have high reliance on the private car due to the limited public transport options but stated that the Framework acknowledges that access to public transport is likely to differ between urban and rural areas.

Appeal Ref: 6006097 – Land adjacent to Preston Road, Ribchester

6.14 A copy of the appeal decision for this appeal is attached at Appendix 3, this appeal was not for self-build development, it was for a small-scale development of two dwellings within the Borough and outside of the settlement boundary in open countryside. We consider it is of particular relevance to the determination of Mrs Riding's application because it demonstrates that small scale development that is not adjacent to a settlement boundary has recently been approved. In determining the appeal, the Inspector identified the main issue as being whether the site was a suitable location for the proposed development.

6.15 The site is in close proximity to Ribchester, which is a Tier 2 village, unlike Wilpshire which is a Tier 1 village. The Inspector acknowledges that the proposed development does not meet any of the considerations set out in Policy DMG2 of the local plan which would support the proposed development. She also noted that the site was on a primary route and that there were services available within Ribchester that were within walking distance.

6.16 The Inspector comments on the appeal at Chatburn saying that they are taking the same approach because even though Chatburn is a Tier 1 village the range of local

services and public transport links means that it represents a suitable location for housing in principle. The Inspector considered the planning balance acknowledging the fact that the development would conflict with the spatial strategy in the Core Strategy but the degree of conflict was considered to be tempered by the particular characteristics of the appeal site, which is bounded by existing residential development meaning that the site was not considered to be isolated or sporadic development, which is similar to Mrs Ridings application site.

6.17 The Inspector correctly assumed that the Council did not have a five-year housing land supply and stated at paragraph 22:

In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework is engaged. As a result, the policies most important for determining the application, including those relating to the location and distribution of housing, are considered to be out-of-date.

6.18 The Inspector stated that against this backdrop, the provision of additional housing, even at a modest level of up to two dwellings, attracts significant weight. In the case of Mrs Riding's application has the added weight of being for a self-build dwelling which the Council has a duty to provide sufficient plots to meet demand.

7. PLANNING CONSIDERATIONS

Introduction

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. Therefore, the principle of development must be assessed against national and local planning policy.

Principle of Development

7.2 The application site is located outside any defined settlement boundaries and within the designated Open Countryside as defined in the Ribble Valley Proposals Map. While not within a defined settlement boundary the site lies in close proximity to the settlement boundary for Wilpshire which is a Tier 1 Village (Tier 1 Villages are defined as being sustainable locations that can accommodate some housing development).

7.3 The relevant planning policies of the adopted local plan are DMG2 'Strategic Considerations' and DMH3 'Dwellings in the Open Countryside and the AONB', neither of these policies support the approval of the planning application as it does not meet the criteria of the policies, which seek to limit the development of new housing in countryside locations. However, the weight that these policies carry is affected by the Borough's housing land supply situation and it the Council's stated position that they can only demonstrate a 2.24 year housing land supply. Furthermore, the application is for a specific group, people wishing to commission or build their own homes, for which the Council is required to make specific provision.

Presumption in favour of sustainable development

7.4 Policy S3 of the NPPF states that outside settlements, Policy S5 should be applied. Policy S5 states that only certain forms of development should be approved outside settlements and provides a list of what those forms of development are. It states that applications for these forms of development should be approved, unless the benefits

of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

7.5 There are two forms of development that are listed in Policy S5 which are applicable to this application which are 1d. the redevelopment of previously develop land and 1e. limited infilling within groups of houses. Paragraph 3 states that proposals comprising of isolated homes, which are those lying outside settlements or groups of houses, should not be approved other than in accordance with Policy HO11.

Isolation

7.6 We are firmly of the opinion that in respect of this particular application the application site would not fall to be treated as isolated because although the site lies outside of a settlement it is adjacent to a group of houses.

7.7 The planning inspector who determined the planning appeal for the proposed conversion of the water tower (appeal reference APP/T2350/W/22/3313432) considered whether or not the application site was isolated and at paragraph 6 of the decision he stated:

> *6. To the south-east of the appeal site is a group of houses which either directly front Vicarage Lane or are set back from it. This group of houses extends to the east side of the railway line accessed from a narrow bridge which forms part of a public bridleway. There are two broadly parallel public footpaths to the west of the appeal site and I observed that from these there is a visual connection between the buildings and the existing group of houses. From the railway bridge, the rear of houses on Durham Road within the settlement of Wilpshire can also be seen**. I do not therefore find the buildings on the appeal site to be isolated in the landscape**; they are physically close to and visually connected with existing development.*

7.8 The application site is located 120m from the settlement boundary of Wilpshire a Tier 1 Village and in relatively close proximity to the village centre situated to the south of the site. As such the site is located within a sustainable location for residential development due to its accessibility to a range of existing facilities and services within the village. It is also noted that the Inspector who determined the appeal against the Council's refusal of application 3/2022/0619 (appeal reference APP/T2350/W/22/3313432) at paragraph 17 of the decision stated:

> *17. There are no facilities and services in the immediate area, but the appeal site is not particularly remote located to the north of the settlement of Wilpshire. The principal access to Wilpshire from the appeal site would be via Vicarage Lane which is a private, largely unmade lane, but there is also a footpath that runs north-south alongside the railway. Given the distance and nature of the routes, I consider that it is unlikely that walking or cycling would be chosen as a regular alternative to private vehicles. I am, however, mindful of the guidance at paragraph 105 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. **In that the location of the appeal site does provide opportunity to access Wilpshire other than by the private car, and has some access by foot and cycle, there would be no strong conflict with CS Policy DM12 or DMG3.***

Self-Build Development

7.9 Under Section 1 of the Self-Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. The local planning authority must give sufficient development permission for suitable serviced plots to meet the demand for self-build/custom-build in the area. The level of demand is established by reference to the number of entries added to the authority's register during the base period.

7.10 A culminative total of 57 self-build plots were identified on the Ribble Valley Borough Council (RVBC) Self Build Register as on 23rd July 2026 with 39 permissioned self-build plots.

7.11 The actual number of individuals interested in self-build plots is likely to be significantly higher than the individuals currently recorded on the register. This is due to there being a high fee of £79.00 per application which is required to be paid annually in order to remain on the register, with no guarantee of a self-build dwelling being offered. The cost associated with being registered and the need for renewal therefore acts as a barrier for those seeking self-build plots within the Ribble Valley. This points to a higher demand for self-build properties than the individuals currently listed on the Self Build Register. Furthermore, it does not follow that anyone on the register has been successful in acquiring one of the approved self-build plots. Some of the self-build plots will be specifically for the applicant to meet an identified functional need such as farm worker's dwellings and the applicants in those cases would not be on the register and will have signed legal paperwork to record their dwelling as a self-build in order to benefit from the exemption from BNG and at the encouragement of the LPA who are motivated to demonstrate that they are meeting their legal requirement to deliver sufficient approvals.

7.12 The proposed development provides the opportunity to deliver a self-build dwelling and would make a contribution to meeting the Borough's statutory duty that is a material consideration that attracts significant weight in favour of the proposed development. It has been established at appeal that substantial or significant weight should be attached to the provision of self-build and custom housebuilding plots due to the significant social and economic benefits. This is also now increasingly justifying departure from the Development Plan as is a common theme in relevant appeal decisions.

7.13 We attach at Appendix 2 a number of relevant planning appeal decisions for self-build development, and we have commented on each in Section 6 above, where we have set out clearly why we consider they support the approval of this application.

7.14 In summary, it can be concluded that Ribble Valley has not met the demand and identified need for self-build housing in the Borough and consequently has not met its legal duty to grant relevant permissions in accordance with the Self-Build and Custom Housebuilding Act 2015. While the contribution towards the overall demand is modest, it is a meaningful contribution nonetheless, therefore, should be considered favourably when assessed against the significant need to add towards the supply of self-build plots assisting the Council fulfil their legal obligation.

Previously Developed Land

7.15 The definition of Previously Developed Land (PDL) is given in Annex B of NPPF as follows:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed but where provision for restoration has been made through development management procedures (including development related to minerals extraction, waste disposal by landfill and renewable and low carbon energy development, where provision for restoration exists); land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

7.16 The Council did not dispute the fact that the site is considered to be previously developed land during the previous application (application 3/2022/0619), nor at appeal (appeal reference: APP/T2350/W/22/3313432). The development site contains a redundant water tower and valve house together with an adjoining parcel of land. The proposed development is not land that is or was last occupied by agricultural or forestry buildings or comprises of land that has been developed for minerals extraction or waste disposal by landfill. The proposed development is in a rural location and is outside of any defined settlement boundaries.

7.17 The site therefore falls within the definition of PDL, and the proposed development provides an opportunity to make effective use of land whilst safeguarding and improving the environment and ensuring safe and healthy living conditions at set out in the NPPF.

8. TECHNICAL CONSIDERATIONS

Highways and Access

8.1 The level of traffic generated by a single dwelling would clearly be minimal and it would not have a material impact on the safe operation of the local highway network. A single point of vehicular access will be taken directly by way of Vicarage Lane where sufficient visibility in both directions can be provided in accordance with standards, allowing vehicles to access and leave the site in forward gear. When they were consulted in respect of application 3/2022/0619, the conversion of the water tower to a dwelling, LCC Highways did not object to the application. In respect of that application the access to the development site proposed to make use of a farm track and if the application had been approved the Council wanted passing places to be created on it, however it is not proposed to use the track in this application.

Design and Layout

8.2 Although the application is in outline form with all matters reserved (save access), an indicative site plan has been provided to illustrate how the proposed dwelling and associated garage could be located on the application site.

8.3 Design is a key consideration for the applicant, and a high-quality development is anticipated upon delivery of the proposal which is bespoke that will form an attractive living environment for future residents, while assimilating into the wider context and be in keeping with the prevailing character of existing development.

Residential Amenity

8.4 This application is submitted in outline form with all others remaining matters reserved for determination at a later stage with the exception of access for subsequent approval.

8.5 The emerging proposals will achieve a high level of amenity for future occupiers and will not cause unacceptable harm on the amenity of the surrounding neighbouring residential properties with the proposed dwelling being sufficiently set back from existing dwellings along Vicarage Road. The self-build dwelling would be positioned so that the appropriate separation distances in respect of neighbouring dwellings are achieved.

Landscape and Visual Impact

8.6 The application site is not in a visually prominent location, it is located in close proximity to a number of dwellings, and it is screened to the west by one of these dwellings and from the east by a group of mature trees located adjacent to a railway line. There is no frontage to the south just the access track and presently the redundant water tower and valve house sit to the north of the proposed building plot.

8.7 It is considered that the proposed development can be appropriately integrated within the site's context and would not give rise to significant long-term adverse effects upon the localised or wider visual environment.

8.8 The demolition of the redundant and dilapidated water tower and ancillary buildings and the reinstatement of the site will provide a significant landscape and visual improvement.

Ecology and Biodiversity Net Gain

8.9 The application is submitted in outline form only with all other remaining matters reserved with the exception of access for subsequent approval.

8.10 The accompanying Bat Roost Assessment Report assessed the buildings on the site and identified no evidence of bats roosting within the buildings which are proposed to be demolished. No bats were observed or recorded using the buildings for roosting and the report confirmed the buildings are considered to be of negligible potential for roosting bats, as well as no further survey work is deemed appropriate. In addition, the report outlines reasonable avoidance measures in relation to nesting birds.

8.11 In terms of Biodiversity Net Gain (BNG), the application site is below the 0.2Ha threshold when BNG is required.

Arboriculture

8.12 An Arboricultural Impact Assessment and Method Statement has been submitted with the application, it concluded that no trees will need removing as a consequence of the proposed development but that protective measures are implemented the development proposed will have no adverse impact on the contribution of the trees to the local amenity or character of the area.

Flood Risk and Drainage

8.13 All details pertaining to drainage shall form part of a subsequent reserved matters application for later determination.

8.14 The application site falls within Flood Zone 1 (low probability) and is located within an area of low risk of surface water flooding. The site is wholly located within Flood Zone 1 and while the proposed development falls within the “More Vulnerable” Classification, it is an appropriate form of development in Flood Zone 1. As the site is less than 1Ha a Flood Risk Assessment is not required.

9. CONCLUSION

9.1 This Planning Statement has been prepared by Gary Hoerty Associates Limited on behalf of Mrs Riding in support of an outline planning application (with all matters reserved except for access) for the demolition of a redundant water tower and valve house and the erection of one self-build dwelling and detached garage at land off Vicarage Lane, Wilpshire.

9.2 The proposed development will provide someone with the opportunity to erect a self-build dwelling which will assist the Council to meet their statutory obligation, under the Self-build and Custom Housebuilding Act 2015 to give sufficient development permission for suitable serviced plots to meet the demand for self-build/custom-build in the area, which they are currently unable to achieve. It is clear that this application could deliver a genuine self-build opportunity, in an appropriate and sustainable, edge of settlement location.

9.3 The policies of the adopted local plan do not necessarily support the development of dwellings outside of the settlement boundary other than in a limited number of circumstances, however there are no policies that address the delivery of self-build and custom build development. However, the weight that can be attributed to these policies is affected by the Council’s inability to demonstrate that it has a five-year housing land supply and the more up to date policies of the recently updated National Planning Policy Framework.

9.4 Policy S5 of the NPPF sets out the types of development that will be acceptable in principle outside of settlements and that they should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. There are two types of development that are listed that are relevant to the determination of this planning application the redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential) and the limited infilling within groups of houses.

9.5 The application site is outside of settlement boundaries but is not isolated as there are six other dwellings adjoining or in the immediate locality of the application site. In respect of a previous application for the change of use of the water tower and valve house, the inspector determining the appeal against the refusal of that application concluded that the site was not isolated.

9.6 We have demonstrated within this Planning Statement and with the reports submitted with the application that there are no adverse impacts arising from the proposal in terms of highways, noise, arboricultural impact, ecology, landscape or residential amenity.

9.7 The proposed development is by definition sustainable development as set out in the NPPF, and planning permission should be granted without delay.

APPENDIX 1

Appeal Decision APP/T2350/W/22/3313432

The Planning Inspectorate

Appeal Decision

Site visit made on 24 August 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/T2350/W/22/3313432
Water Tank and Valve House off Vicarage Lane, Wilpshire BB1 9HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Turner against the decision of Ribble Valley Borough Council.
- The application 3/2022/0619, dated 28 June 2022, was refused by notice dated 22 August 2022.
- The development proposed is conversion of redundant water tower and valve house to create a single dwelling to include the creation of a short length of access track.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Turner, against Ribble Valley Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:

    - Whether the existing buildings are appropriate for conversion and the effect of this on the character and appearance of the area of open countryside; and
    - Whether the appeal site it is a suitable and sustainable location for a new house.

Reasons

Policy on conversion of other buildings

4. The appeal site comprises a former water tower and valve house ('the buildings'), located in the corner of a field close to Vicarage Lane and adjacent to the railway line. It is proposed to convert these existing buildings to a single house over three floors with a new building linking the two. The site lies outside the settlement of Wilpshire, which is to the south, within open countryside.

5. Policy DMH4 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) allows for the conversion of *'barns and other buildings'* to dwellings subject to meeting two sets of criteria: the first relating to the

locational characteristics of the building and the effects of a conversion; and the second relating to the characteristics of the building itself. In respect of the first set of criteria (or first part of the policy), the Council alleges a conflict with criterion 1) and 3), namely the requirement that the building is not isolated in the landscape, and there would be no materially damaging effect on the landscape qualities of the area.

6. To the south-east of the appeal site is a group of houses which either directly front Vicarage Lane or are set back from it. This group of houses extends to the east side of the railway line accessed from a narrow bridge which forms part of a public bridleway. There are two broadly parallel public footpaths to the west of the appeal site and I observed that from these there is a visual connection between the buildings and the existing group of houses. From the railway bridge, the rear of houses on Durham Road within the settlement of Wilpshire can also be seen. I do not therefore find the buildings on the appeal site to be isolated in the landscape; they are physically close to and visually connected with existing development.

7. The appeal site is located further north than any of the existing houses which front Vicarage Lane. The gardens of those houses provide a transition to the countryside beyond, which qualities lie principally in its semi-rural and agricultural character with open fields and traditional field boundaries.

8. The appeal site would be accessed from an existing agricultural track that runs north-west from Vicarage Lane (between two existing houses) and then turns at a right angle along a field boundary. The existing track terminates at a field gate and a new access is proposed from this point. It would run south-east alongside an existing fence line and public footpath, across the northern boundary of the appeal site and would terminate in the turning and car parking area for the proposed house. Although access to the house would be on the eastern elevation, the effect of this is to concentrate vehicle movements, car parking and hardstanding in the north-east corner of the site (so away from Vicarage Lane).

9. I observed that the northern boundary of the appeal site is currently open, delineated only by a stock fence and consequently the proposed access and car parking would be very visible, particularly from the adjoining footpath. I have been provided with no details in respect of the proposed surfacing of the track and the turning area, or the new boundary treatment (if any), but I nonetheless find the proposed access would appear discordant and have a suburbanising effect on the landscape.

10. The existing buildings clearly form part of the landscape character of the area and have done for many years. Despite some disrepair (notably to the roof of the valve house which is missing), they are likely to remain a feature of the landscape for the foreseeable future. The water tower, although around 8m in height, has no existing openings and its exposed shuttered concrete construction (which appears painted in places) recedes in the landscape against the backdrop of mature trees and shrubs on the western boundary of the appeal site. It is proposed to render the water tower and insert 15no. windows of varying sizes over three floors. Whilst I accept that the colour selection of the render could assist in assimilating the converted water tower within the landscape, the inclusion of the openings and their associated glazing would substantively alter the appearance of the building. It would no longer appear a

functional, utilitarian building that does not particularly draw the eye. Rather, it would appear unduly prominent in the landscape, particularly when viewed from the public footpath along the western boundary.

11. The valve house is a single-storey brick building less than 3m in height, situated around 4m from the water tower. It would be linked to the water tower by a new 'link building' also constructed in brick but with large areas of powder coated aluminium windows and doors, providing an entrance to the house, and a glazed roof. Given its low profile, I do not find this element of the proposal, in itself, would cause harm to the character and visual amenities of the open countryside.

12. I also note that the boundary of the appeal site is tightly drawn to minimise the residential curtilage and that the proposed conversion would regenerate the buildings, which have evidently suffered from some vandalism and disrepair. However, the combination of the proposed access track (in terms of its location) and alterations to the water tank would result in a house that presents itself to the open countryside, rather than providing any form of transition as with other houses off Vicarage Lane. Consequently, it would be unduly prominent and would appear anomalous in its surroundings, causing material harm to the semi-rural and agricultural qualities of the landscape I describe above.

13. The Council alleges further conflict with criterion 3) and 4) of the second part of CS Policy DMH4. The aim of CS Policy DMH4 is to re-use and preserve existing rural buildings where they contribute to an areas character and setting. As described above, both the water tower and valve building are functional in their design, and utilitarian in appearance. Whilst they have assimilated within and recessed into the landscape, they make no meaningful or particularly positive contribution to their landscape setting or surroundings. Nor do I find them to be of any particular architectural or intrinsic value. Consequently, the conversion of the buildings would neither meet the aim of the Policy or criterion 3) of part 2.

14. Criterion 4) is that *'the building has a genuine history of use for agriculture or another rural enterprise.'* The appellant's case is that the buildings fully conform to the requirements of the second part of the policy, but no evidence has been provided of a genuine history of agricultural or rural enterprise use. The only evidence I have before me to the original use of the buildings is that they were constructed in the early part of the C20th to provide a water supply to a local hospital which no longer exists. This is clearly not a use envisaged by Criterion 4).

15. Therefore, for the reasons given above, I conclude that the proposed conversion of the buildings would conflict with criterion 3) of part 1 and criterion 3) and 4) of part 2 of CS Policy DMH4. It would further conflict with CS Policy DMG1 and DMG2 and paragraph 130 of the National Planning Policy Framework (the Framework) which together require development to place emphasis on, and be sympathetic to, landscape character and setting.

Whether a suitable and sustainable location?

16. CS Policies DS1 and DMG2 direct development, including new housing, to the Principal Settlements and Tier 1 Villages in the Borough (as identified in the policies). The appeal site is outside the settlement area of Wilpshire, a Tier 1

Village, in open countryside. In such areas, CS Policy DMG2 requires development to meet at least one of six considerations. I accept that the proposed development is small scale and that there are inherent benefits in re-using existing buildings, where appropriate to do so. However, I have no substantive evidence before me that there is a local need or benefit associated with the proposal that would justify a new house in the open countryside, or that any of the other considerations set out in CS Policy DMG2 are met. For the reasons already given above, the proposal would conflict with CS Policy DMG2 in so far as it requires development in the open countryside to be in keeping with the character of the landscape.

17. There are no facilities and services in the immediate area, but the appeal site is not particularly remote located to the north of the settlement of Wilpshire. The principal access to Wilpshire from the appeal site would be via Vicarage Lane which is a private, largely unmade lane, but there is also a footpath that runs north-south alongside the railway. Given the distance and nature of the routes, I consider that it is unlikely that walking or cycling would be chosen as a regular alternative to private vehicles. I am, however, mindful of the guidance at paragraph 105 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. In that the location of the appeal site does provide opportunity to access Wilpshire other than by the private car, and has some access by foot and cycle, there would be no strong conflict with CS Policy DM12 or DMG3.

Other Matter

18. The appellant has referred me to a previous appeal decision dated 26 August 1998 (T/APP/T2350/A/98/295099/P2) which allowed the conversion of the buildings on the appeal site to create a single dwelling. I have not been provided with any further details regarding the proposals for the conversion, but I note that the appellant's evidence relies on some of the conclusions made by the Inspector at that time, and describes it as 'very similar' to the proposal now before me. On the face of that appeal decision there are, however, two key differences.

19. First, the decision pre-dates the adoption of the CS and notably CS Policy DMH4. I do not have the text of those policies of the Ribble Valley District Wide Local Plan referred to in the appeal decision and as such have no reason to dispute the Council's evidence that there is now a 'differing' policy context. Secondly, the conversion did not include the access track now proposed, with parking described in the decision as 'close to the access from Vicarage Lane' and 'only a footpath access to the dwelling itself.' Whilst I have had regard to it, because the proposals are materially different and assessed against different policies, I do not find the 1998 appeal decision to be determinative in this case. I have therefore assessed the appeal on its merits and the evidence before me.

Conclusion

20. Notwithstanding my conclusion in respect of the site being accessible by means other than the private car, for the reasons given above, I conclude that the appeal site and proposed conversion of the buildings would not be suitable for a new house. The appeal is therefore dismissed.

R Jones

INSPECTOR

APPENDIX 2

Appeal Decisions in respect of self-build development

The Planning Inspectorate

Appeal Decision

Site visit made on 10 April 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2024

Appeal Ref: APP/T2350/W/23/3335737
Land adjacent to 110 Ribchester Road, Clayton Le Dale, Blackburn, Lancashire, BB1 9HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Mark Skoczen against the decision of Ribble Valley Borough Council.
- The application Ref is 3/2023/0321.
- The development proposed is one self-build dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for one self-build dwelling at land adjacent to 110 Ribchester Road, Blackburn, BB1 9HQ in accordance with the terms of the application, Ref 3/2023/0321, subject to the conditions in Annex A.

Procedural Matters

2. The application was made in outline with only access to be determined at this stage. I have determined the appeal on this basis, treating the proposed site plan as illustrative other than in relation to the access.

3. It has been suggested there are restrictive covenants on the land. Whilst if this is the case it may have implications for implementation, in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

4. The main issue in the appeal is whether or not the site is a suitable site for housing having regard to the development plan policies for the location of new development.

Reasons

5. The appeal site is part of an area of agricultural land that forms a gap between 110 and 126 Ribchester Road. It is located outside, but close to, the settlement boundary for Wilpshire as shown on Inset 14 of the Proposals Map that accompanies the *Housing and Economic Development Development Plan Document (adopted October 2019)*. This indicates that the boundary runs between 108 and 110 Ribchester Road. As such, for planning policy purposes the site forms part of the open countryside.

6. Key Statement DS1 of the *Ribble Valley Core Strategy (adopted December 2016)* (CS) sets out the development strategy for the borough. It seeks to direct new housing primarily to the three principal settlements in the districts.

Wilpshire is identified as a Tier 1 Village in DS1. These villages are stated to be the more sustainable of the 32 defined settlements and therefore considered suitable for some housing growth.

7. CS Policy DMG2 indicates that outside of the settlement boundaries development should be for one of a small number of types of development that it lists. In addition, Policy DMH3 of the CS sets out the circumstances when dwellings may be appropriate in the open countryside. It is no part of the appellant's argument that the development would comprise any of the forms of development listed in either of these two policies.

8. As a result, the proposal would be contrary to the development strategy of the CS and would conflict with Policies DMG2 and DMH3.

Other Matters

Self-build housing considerations

9. The proposal would be for a self-build property and is accompanied by a signed Unilateral Undertaking that would ensure that any development of the site would be a form of development that accords with the legal definition of self-build and custom housebuilding as defined in the *Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)* 'the Act'.

10. The Act requires that within the three years following each base period an authority must give development permissions for the carrying out of self-build and custom housebuilding on enough serviced plots to meet the demand for such housing in the authority's area in each base period.

11. I have been provided with differing figures for both the demand for, and supply of, self-build and custom housebuilding in the borough by the appellant and the Council. However, section 123 of the Levelling-up and Regeneration Act 2023 which came into force on 31 January 2024 made changes to the way both the demand and supply of self-build and custom housebuilding are to be calculated.

12. Demand is evidenced not by the number of people on the register at any one time but by the number of entries added to the register in each base period. Whilst authorities may remove individual details from the register, the number of entries remains the same, and retrospective removal of an entry does not reduce the demand figure. Moreover, unmet demand is now cumulative, so any demand that has not been met within the three year compliance period does not dissipate but rolls over and remains part of the demand that an authority has to meet.

13. In addition, the recent amendments mean that a development permission now only counts in meeting the duty if it is actually for self-build or custom housebuilding – a permission is no longer considered suitable if the development could include self-build and custom housing. Whilst regulations are still awaited that will define exactly what can be counted as a development permission, the government have indicated that it is likely to require that for a permission to count it will need to be characterised by a condition or planning obligation making that requirement explicit.

14. As such, it is clear the intention is that only land specifically for self-build or custom housebuilding qualifies towards a grant of permission to meet demand.

This change means that it is no longer reasonable to count extant outline planning permissions as meeting the definition unless they have a mechanism attached to them to secure the development is restricted to self-build and custom housebuilding.

15. I have not been supplied with the number of entries on the register for each of the base periods since the requirements of the Act began, although the appellant has supplied evidence of the number of entries on the register for the 5 base years between 2017/18 – 2021/22. These are 16, 14, 8, 12 and 15 respectively. In addition, they have indicated that only 1 planning permission has been granted for self-build or custom housebuilding secured by a legal agreement or condition. This is for a single dwelling. These figures were all supplied to the appellant by the Council.

16. Consequently, whilst I do not have an accurate figure for the demand for self-build and custom housebuilding in the authority, on the basis of the evidence that is before me in relation to demand and supply, it would appear that demand is significantly greater than the Council estimates. Furthermore, given that only one dwelling has been granted permission that qualifies towards meeting this demand, and unmet demand has to roll over, it is likely that demand is likely to increase in forth coming years.

17. In the light of this, although the appeal scheme is only for 1 dwelling, I consider that substantial weight should be given to the fact that it is a self-build dwelling that would contribute towards meeting the significant demand for such housing in the borough.

Accessibility to services and facilities

18. Although located just outside the settlement boundary, the appeal site lies within easy walking distance of the primary school, village hall, church, public house and bus stops in both directions. The latter are served by an hourly service to Preston and Blackburn 6 days a week from around 7am to 8pm. There is also a two hourly service on a Sunday from approximately 8.30am to 6.30pm. Thus, future occupiers would not be solely reliant on the private car for all their day-to-day needs.

19. The Council has raised no concerns with regard to the proposed access and the plans show that satisfactory visibility splays can be provided. So, I agree with this conclusion. Whilst in the immediate vicinity of the site there is only a pavement on the other side of the road, as there is adequate visibility people would be able to cross the road to this safely.

Character and appearance

20. Although the appeal site forms part of a wider field and currently has an agricultural character, it is located between two houses that form part of a ribbon of development that on this side of the road continues all the way to the junction of Ribchester Road with the A59. The development of the site would be seen as a natural extension of the row of houses on this side of the road. Whilst it would change the character of this part of the field, visually it would not be seen as an incongruous incursion into the countryside.

21. Although the scale, layout, appearance and landscaping are reserved for future consideration, I see no reason why the development of the site for a dwelling could not be achieved in a way that would respect the character and

appearance of the surrounding area. As a result, in this regard the proposal would not conflict with the requirement in Policy DMG2 that developments in the open countryside should be in keeping with the character of the landscape and acknowledge the special character of the area through its size, design, materials, landscaping and siting. Moreover, the development would be of a scale commensurate to the size of the existing settlement.

Conclusion and Conditions

22. The proposal would be contrary to the development strategy of the CS and would conflict with CS Policies DMG2 and DMH3. However, the proposal would be a self-build dwelling. Given the likely level of unmet demand for such housing in the borough this is a material consideration to which I give substantial weight. Moreover, although outside the settlement boundary the appeal site is within walking distance of a range of services and facilities meaning that future occupiers would not be totally dependent on the private car to meet all their day-to-day needs. The proposal would also not unacceptably harm the character of the landscape or the area. I consider that, in this instance, these material considerations outweigh the conflict with the development plan.

23. I note the evidence from both sides as to whether the policies of the development plan should be considered out of date because they do not take account of the requirements of the Act, and therefore whether or not paragraph 11d of the *National Planning Policy Framework* is engaged. However, in the light of my conclusion above it is not necessary for me to consider this further.

24. For the reasons set out above, I conclude the appeal should be allowed.

25. In addition to the standard implementation and reserved matters conditions (conditions 1 - 3), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 4). Condition 5 is necessary to safeguard the development from any potential contaminated land and condition 6 is required in the interests of ecology. Condition 7 is necessary in the interests of the character and appearance of the area.

26. To ensure the site is satisfactorily drained condition 8 is imposed. Condition 9 is required to ensure any matters of archaeological interest are found and recorded. For highway safety reasons conditions 10-13 are required. However, I have not imposed suggested condition 7 as it relates to a matter that is covered by the Building Regulations.

Alison Partington

INSPECTOR

Annex A

Conditions

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No 2283; Existing Site Plan Drawing No 2283-01; and Proposed Site Plan Drawing No 2283-02; but only in respect of those matters not reserved for later approval.

5) No development hereby permitted shall commence until a desk study to investigate and assess the risk of the potential for on-site contamination has been submitted to, and approved in writing by, the local planning authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to, and approved in writing by, the local planning authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved in writing by, the local planning authority and the approved scheme implemented prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the local planning authority prior to any works being undertaken.

6) Notwithstanding the submitted details, no development hereby permitted, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of habitat provisions to be made for protected species (artificial bird nesting boxes and artificial bat roosting sites/provision) have been submitted to, and approved in writing by, the local planning authority. The approved artificial bird/bat box details shall be provided in accordance with the approved details before the dwelling is occupied and shall thereafter be retained as such.

7) Prior to the submission of a reserved matters application relating to layout, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels shall be submitted to, and approved in writing by, the local planning authority. The development shall be constructed and completed in accordance with the approved details.

8) No development hereby permitted, other than demolition works, shall take place until full details of the surface and foul water drainage systems for the site have been submitted to, and approved in writing by, the local planning authority. The detailed surface water scheme shall be based

upon the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The drainage system shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained as such thereafter.

9) No development hereby permitted shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to, and approved in writing by, the local planning authority.

10) The visibility splays shown on Proposed Site Plan Drawing No 2283-02 shall be provided prior to first occupation of the dwelling hereby permitted and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height of 1 metre above the crown level of the adjacent highway.

11) Before the access is first used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be surfaced in tarmacadam, concrete, block paviors, or other permanent hard surfaced material.

12) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), any gateposts and associated mechanisms erected at the point of access shall be positioned within the site outside the adopted highway and any gates shall at all times open away from the highway

13) Prior to first occupation of the dwelling hereby approved, the off-site works of highway improvement, namely widening of the site access, shall be carried out.

The Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

Appeal Ref: APP/H1840/W/20/3255350
Land at Church Lane, Whittington WR5 2RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr K Wylde against the decision of Wychavon District Council.
- The application Ref 19/02767/FUL, dated 24 December 2019, was refused by notice dated 9 March 2020.
- The development proposed is erection of 2 no. dwellings, improvement to access existing & 1 new access.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. dwellings, improvement to access existing & 1 new access on land at Church Lane, Whittington WR5 2RQ in accordance with the terms of the application, Ref 19/02767/FUL, dated 24 December 2019, and the plans submitted with it, subject to conditions in the attached Schedule.

Main Issue

2. The main issue is whether the proposal is in an acceptable location with regards the development strategy for the area.

Reasons

3. The National Planning Policy Framework (the Framework) sets out under Paragraph 61 that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes those who wish to commission or build their own homes. Footnote 26 sets out that Council's should give enough suitable development permissions to meet the identified demand for such house building, in accordance with the requirements of the Self Build and Custom Housebuilding Act 2015 (as amended).

4. To this end, the appellant has supplied empirical evidence showing that demand derived from the total number of people on the register is outstripping supply by around 50%. However, the Council has also supplied empirical evidence showing that when considering the first and second base periods more specifically, the picture becomes nuanced and that supply is closer to demand. The Council has acknowledged that for the second base period, there is still a significant undersupply. Consequently, and notwithstanding the existence of a five year housing land supply more generally, the significant undersupply of self-build housing in the second base period carries substantial weight in favour of the proposal in helping to meet statutory requirements.

5. The self-build nature of the proposal has been appropriately secured by the executed Unilateral Undertaking (UU) submitted by the appellant. I have considered the UU against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. It is considered necessary to control the use of the land pursuant to delivering self-build housing, which accords with policy objectives of the Framework by securing more housing of this type to address demand. Consequently, it would directly relate to the development; fairly and reasonably in scale and kind.

6. The South Worcestershire Development Plan 2016 (SWDP) is part of the adopted development plan for the area. In accordance with the Policies Map associated with the SWDP, it is clear that the site lies beyond defined development boundaries. Accordingly, the site is located within the countryside and Policy SWDP2 states that the development of dwellings in such locations will be strictly controlled. Exceptions to these strict controls include dwellings for rural workers, employment development in rural areas, affordable housing rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies.

7. The SWDP does not treat self-build housing as an exception for the purposes of controlling development in the countryside. The SWDP also designates the area as a significant gap, which serves as a buffer or visual break between rural settlements and adjacent urban areas. However, when viewed on the ground and despite being an open field, the character and appearance of the site's immediate context belies the fact it is in the countryside. There is extensive development within the immediate vicinity of the site and when walking its perimeter during my visit it did not present itself as a countryside location; it did not have an undeveloped rural character or appearance.

8. The wider area has clearly become developed to an extent whereby the role of the significant gap has diminished considerably. This is in essence what has been found within the South Worcestershire Development Plan Review Preferred Options 2019, with the significant gap recommended for removal. Even though the emerging development plan is at pre examination stage and carries limited weight, it is clear that the situation on the ground is a material consideration that overtakes and reduces the effectiveness of the significant gap as an existing policy tool, limiting harm derived from conflict with it.

9. In light of this and considering the limited scale of the proposal and the potential for sensitive landscaping measures to further reduce any effects on the character and appearance of the area, any harm from conflict with policies in the development plan would be limited. Paragraph 2 of the Framework affirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

10. Overall, the proposal would not be in an appropriate location, conflicting with Policies SWDP1, SWDP2 and SWDP21 of the SWDP, as these policies seek to protect the countryside and significant gaps from urbanising development. However, I have identified an undersupply of self-build housing, and the policy objectives under Paragraph 61 of Framework, as a material consideration carrying substantial weight in favour of the proposal that outweighs the limited harm from conflict with the development plan in this particular case.

Conditions

11. The Council suggested nine conditions and the appellant suggested amendments, including to drawing references, access details, and additional conditions in accordance with another appeal decision. I have considered these against the Framework and Planning Practice Guidance. Some of the conditions relating to access and archaeology were combined to avoid duplication and, more generally, conditions were subject to minor amendments in the interests of consistency, clarity and running order. The appellant referred to a condition for biodiversity enhancement and net gain. To ensure there is a baseline for net gain, a condition securing a construction environmental management plan is also necessary in tandem. All conditions in the attached Schedule are necessary to make the development acceptable in planning terms.

12. The standard conditions setting out the time limits, and securing compliance with the approved plans, are necessary to provide certainty. A condition controlling the implementation of the water management strategy are necessary to ensure the development is appropriately drained upon occupation, to avoid uncontrolled surface water runoff and effects on the water environment therein. A condition requiring the access for each dwelling to be completed prior to occupation, along with conditions for parking, turning and visibility splays are necessary to ensure occupants can enter and exit the development safely. A condition requiring further noise assessment, and mitigation measures, is necessary because of the proximity to a major trunk road and the potential effects of noise on living conditions that this could generate. Conditions for cycle storage and electric vehicle charging are necessary to promote alternative modes of sustainable transport.

13. The PPG is clear that pre-commencement conditions should only be used where clearly justified, likely meaning requirements of the condition are fundamental to the development permitted and it would otherwise be necessary to refuse permission. It is necessary to secure construction and environmental management plans, and other schemes of investigation, before development commences to ensure that areas of sensitive archaeological or ecological importance are appropriately managed and protected from harm during construction, and that living conditions of neighbouring occupiers and highway safety is also protected. It is necessary to secure biodiversity enhancement measures before development commences to ensure opportunities for enhancement come forward in a logical manner in tandem with construction.

14. In accordance with the procedural requirements set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (as amended), pursuant to Paragraph 3 (b), the appellant has provided a substantive response, confirming that they are happy with the pre-commencement conditions and underpinning reasons provided by the Council in the event they were attached under the appeal.

Conclusion

15. For the reasons given, the appeal is allowed, and planning permission is granted subject to conditions in the attached Schedule.

Liam Page

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided on the application forms and the following plans/drawings/documents –

   a. JJ/2019-09/02 revision B
   b. JJ/2019-09/03
   c. JJ/2019-09/04
   d. JJ/2019-09/05
   e. JJ/2019-09/06
   f. JJ/2019-09/07
   g. 651-0102
   h. MG1659_S1
   i. 1979/1
   j. B19096.101

3) The development hereby approved shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. As a minimum this shall include: -

   a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
   b. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
   c. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvre
   d. Details of any temporary construction accesses and their reinstatement.

   The CMP shall be implemented in accordance with the approved details throughout the construction period.

4) The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. As a minimum this shall include:

   a. Risk assessment of potentially damaging construction activities;
   b. Identification of "biodiversity protection zones";
   c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include details of appropriate protective fencing of retained trees' root protection zone);
   d. The location and timing of sensitive works to avoid harm to biodiversity features;
   e. The times during construction when specialist ecologists need to be present;

f. Responsible persons and lines of communication;
g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
h. Use of protective fences, exclusion barriers and warning signs.

The CEMP shall be implemented in accordance with the approved details throughout the construction period.

5) The development hereby approved shall not commence until a Biodiversity Enhancement Strategy (BES) has been submitted to and approved in writing by the local planning authority. As a minimum this shall include:

a. Purpose and conservation objectives for the proposed works;
b. Review of site potential and constraints;
c. Detailed designs and working methods to achieve stated objectives (including, where relevant, type and source of materials to be used);
d. Extent and location of proposed works shown on appropriate scale maps and plans;
e. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
f. Persons responsible for implementing the works;
g. Initial aftercare;
h. Details for disposal of any wastes arising from works.

The BES shall be implemented in accordance with the approved details and all features retained thereafter. On completion of the ecological mitigation and enhancement works, a statement of compliance shall be submitted to the local planning authority by the Ecological Clerk of Works (or similarly competent person) confirming that specified and consented measures have been implemented.

6) The development hereby approved shall not commence until a programme of archaeological work, including a Written Scheme of Investigation (WSI), has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and as a minimum:

a. The programme and methodology of site investigation and recording.
b. The programme for post investigation assessment.
c. Provision to be made for analysis of the site investigation and recording.
d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
e. Provision to be made for archive deposition of the analysis and records of the site investigation.
f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The WSI shall be implemented in accordance with the approved details throughout the construction period.

7) The development hereby approved shall not be occupied until a noise assessment has been undertaken in accordance with British Standards and submitted to and approved in writing by the local planning authority. Any noise mitigation measures identified by the noise assessment shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

8) The development hereby approved shall not be occupied until an area has been provided for sheltered and secure parking of bicycles (insofar as it relates to each dwelling) in accordance with council cycle parking standards and details which shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be implemented in accordance with the approved details and retained for the parking of bicycles thereafter.

9) The development hereby approved shall not be occupied until an area has been laid for the parking of cars (insofar as it relates to each dwelling) and the charging of electric vehicles in accordance with council car parking standards and details submitted to and approved in writing by the local planning authority. The car parking shall be implemented in accordance with the approved details and retained for the parking of cars thereafter.

10) The development hereby approved shall not be occupied until the visibility splays shown on drawing JJ/2019-09/02 revision B (insofar as they relate to each dwelling) have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

11) The development hereby approved shall not be occupied until the accesses and turning areas shown on drawing JJ/2019-09/02 revision B (insofar as they relate to each dwelling) have been implemented. These areas shall be retained for their intended use thereafter.

12) The development hereby approved shall not be occupied until the details set out in the submitted Water Management Statement have been implemented. Such details as implemented shall be retained thereafter.

13) The development hereby approved shall not be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. As a minimum this shall include:

    a. Description and evaluation of the features to be managed;
    b. Ecological trends and constraints on site that might influence management.
    c. Aims and objectives of management;
    d. Appropriate management options for achieving aims and objectives;
    e. Prescriptions for management actions;
    f. Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and longer term thereafter;

g. Details of the body or organisation responsible for implementation of the plan;
h. Ongoing monitoring and remedial measures.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP shall be implemented as approved.

End of Schedule

The Planning Inspectorate

Appeal Decision

Hearing (Virtual) held on 6 June 2023

Site visit made on 7 June 2023

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/W3520/W/23/3316136
Land West of Suffolk House, Ixworth Road, Norton, Suffolk, IP31 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ash Property Partnership Ltd against the decision of Mid Suffolk District Council.
- The application Ref DC/22/01941, dated 8 April 2022, was refused by notice dated 23 December 2022.
- The development proposed is Erection of 9 self-build/custom build dwellings.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 9 self-build/custom build dwellings at Land West of Suffolk House, Norton, IP31 3LP in accordance with the terms of the application, Ref DC/22/01941, dated 8 April 2022, the Unilateral Undertaking submitted with it and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application is submitted in outline form with all matters reserved except for access. In the Hearing, it was confirmed that the plan reference 100-225/006E, whilst marked as indicative, constituted full details of the access arrangements against which the development was assessed. I have taken this into account in my decision.

3. Policies referenced in the Council's decision notice are from the Mid Suffolk Local Plan 1998 (MSLP), the Core Strategy 2008 (CS) and the Core Strategy Focused Review 2012 (CSFR). These policies are prior to the preparation of a Joint Local Plan (JLP) between the Council and neighbouring Babergh District Council. During the Hearing it was reported that the Examination in Public of the JLP was ongoing and thus emerging policies could only be given limited weight at the current time. I have taken this policy position into account in my decision.

4. A Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) accompanies the appeal. A signed version was provided to the Hearing, to which the Council agreed served the purpose required of it. Some formatting and typographical amendments were agreed to be necessary during the Hearing, and a final signed version of the UU was received on 26 June 2023. I shall return to this later in my decision.

Main Issues

5. The main issues for the appeal are:

   - whether the appeal site is in an appropriate location for the type of development proposed; and
   - whether there are material considerations to warrant a departure from the Development Plan.

Reasons

Whether the site is an appropriate location

6. The appeal site constitutes an open field in undeveloped countryside to the rear of properties within the village of Norton. It is broadly rectangular in shape and abuts the settlement of Norton on its eastern and southern boundaries. Access to the appeal site is to the east off the A1088, Ixworth Road, in between a pair of bus stops and along the boundary with Suffolk House.

7. The appeal proposal would provide 9 new self-build dwellings, all of which would be outside of the village. It was indicated during the Hearing that the settlement boundary for Norton would be unlikely to change in the emerging JLP. The Development Plan, particularly policies H7 of MSLP and CS1 of the CS, directs new development to within existing settlements. There is an expectation within policies CS1 and CS2 that the areas outside settlements, identified as being countryside, would be protected for their own sake.

8. I note the Council's unchallenged submissions that it has a robust five-year housing land supply position[1] with more than enough land to meet its housing requirements within existing settlements and allocations. In light of this, it is clear to me that development of the appeal site for housing would be contrary to the spatial strategy of the Council and would undermine a plan-led system.

9. On this basis, the proposal would conflict with the aims of the adopted Development Plan seeking to locate housing growth within existing settlements. The appeal site would therefore be an inappropriate location for new housing, in conflict with policies H7 of the MSLP, and policies CS1 and CS2 of the CS.

Whether there are material considerations to warrant a departure

10. The appellant highlights that the appeal scheme is for self-build and custom housing and has submitted a UU to secure the development as such. The appellant stated that a failure of the Council to provide enough serviced plots to meet the housing needs constituted a breach of the statutory duties for the authority under the Self-Build and Custom Housebuilding Act 2015 (as amended) (the Act). This should, it was argued, weigh in favour of allowing the appeal.

11. The Council admitted that only 153 permissions for self-build units had been granted compared to a register of 286 self-builders, thus a shortfall of 133 units[2] currently exists.

[1] Purported to be in excess of 10 years at the date of the Hearing
[2] Document entitled: "Appeal Self Build Custom Build by Base Period" submitted during the Hearing

12. The appellant stated the shortfall was likely to be higher because the Council's self-build register, shared jointly with Babergh Council, identified that 585 self-builders required a serviced plot, not just 286. Furthermore, the appellant criticised the Council's use of Community Infrastructure Levy (CIL) forms to reach the 153-dwelling figure, stating that actually only few permissions granted genuinely secure housing for such purposes. In addition, it was alleged the Council had not taken into account secondary data sources in calculating its housing need.

13. I have reviewed the evidence and there is no doubt, even on the best-case position of the Council, that there is an actual shortfall of self-build and custom dwellings of a minimum of 133 units. The statutory duty under the Act to provide enough serviced plots has therefore not been met to date, nor over the last few years[3]. In these circumstances, even if the reality is that the shortfall in supply may be greater than envisaged, the weight of failing to meet the statutory duty is substantial. Taking into account the advice of the planning practice guidance[4], I recognise that the Council has been making progress in seeking to provide for self-build dwellings, but this does not reduce the weight of the failed duty. Such weighs in favour of the proposal as a departure from the Development Plan.

14. The appellant also raises that, in the absence of a planning policy within the adopted Development Plan tackling self-build housing, the tilted balance in paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. Appeal decisions were submitted evidencing a similar approach and conclusions on this matter.

15. The Council accepted that it does not have an adopted policy for self-building at the current time, giving only limited weight to policy LP08 in the emerging JLP that would support provision of self-build units. Paragraph 11(d) of the Framework directs that where there are no relevant development plan policies, permission should be granted subject to 11(d)(i) or 11(d)(ii). I was not presented with any compelling evidence for me to take a different view to that of other Inspectors in the appeal decisions cited. Therefore, despite the Council demonstrating a five-year housing land supply, I conclude that the tilted balance does apply in this instance.

16. The appeal development would result in the loss of an undeveloped greenfield site, although I have not been presented with any argument that the landscape is of particular significance or sensitivity. None of the restrictions in footnote 7 to paragraph 11(d)(i) of the Framework are said to apply. Future residents may have high reliance on the private car due to the limited public transport options, but the Framework acknowledges access to public transport is likely to differ between urban and rural areas. Furthermore, it is reasonable to conclude that a proportion of trips could be carried out to services within the village on foot or by bike. I do not therefore consider there is significant environmental harm arising from the development.

17. From my site visit, I noted that the appeal development would be in close proximity to the village hall, primary school, grocery store and the nearby public house. I observed that all of the local services for day-to-day living said

[3] Paragraph 4.7 of the LPA Appeal Statement of Case
[4] Paragraph: 038 Reference ID: 57-038-20210508

to be available by the appellant[5], as agreed by the Council, were within easy walking distance. In this context, the appeal development would be suitably located to make use of local shops and services and thus contribute to the viability and vitality of these facilities. It would therefore contribute economically and socially to the rural community.

18. I note that the Council had not alleged the appeal site was in an unsustainable location in previously refused applications for open-market housing. It was said during the Hearing that the appeal site effectively had become more unsustainable with the ever-increasing housing land supply of the Council[6]. However, it was confirmed in the Hearing that the economic, social and environmental parameters regarding the appeal site and the village of Norton had not changed since the previously refused schemes. I therefore find no reason to consider the appeal site an unsustainable location on the basis of the land supply position alone.

19. Whilst the Council argue that parts of policies CS1 and CS2 of the CS are consistent with the Framework, I have no substantive evidence to convince me to depart from the findings of other Inspectors on the weight to be given to these policies[7]. I therefore consider the conflict between the appeal scheme and the Development Plan to have reduced weight.

20. Objectors to the development have raised issue with highway safety, effects on heritage assets and wildlife. However, no arguments have been advanced by the Council or its consultees on these grounds and there are no detailed submissions to substantiate the arguments made. To this extent, there is nothing before me to justify a case of planning harm arising from the development.

21. In conclusion, the tilted balance is engaged and the planning benefits of providing 9 self-build units, in light of an identified shortfall, would be substantial. The submission of the UU, which I have reviewed and consider meets the necessary tests for obligations[8], adds security to the benefits of meeting the local housing needs. These benefits include the economic and social support for the rural community as well as meeting the local housing needs. Whilst the development would conflict with the spatial strategy of the Council, this would not significant and demonstrably outweigh the benefits. This is particularly in recognition of the statutory duty upon the Council to deliver serviceable plots.

22. On the basis of the above, I consider there are material considerations to warrant a departure from the Development Plan in this instance. The appeal should therefore succeed.

Conditions

23. A list of conditions was supplied by the main parties within the signed statement of common ground, which included the implicit agreement of the appellant to those conditions requiring submissions prior to commencement of development. The conditions were discussed and, in part, revised during the Hearing. Nonetheless I have the following comments to make.

[5] Paragraph 11 in the appellant statement from Mr Cobbald
[6] Purported to be in excess of 10 years at the date of the Hearing.
[7] Appeal 3291011 and the Appeal cited in paragraph 6.27 in the Appeal Statement of Tetlow King Planning
[8] Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

24. For clarity on the development hereby permitted and how reserved matters submissions should be managed, having regard to the self-build nature of the development, I have imposed conditions 1, 2 and 3. This includes a 5-year period for reserved matters submissions to be made to the local planning authority, as agreed between the main parties in the Hearing.

25. In imposing condition 4, I have taken into account the annotation that plan 100-225/006E is indicative. However, the main parties confirmed this was the only plan that secured the means of access to the appeal site and had formed the basis of all highway assessments to date. It is therefore logical to ensure, in the interests of highway safety, that the access is carried out in accordance with that plan.

26. Conditions 5 and 6 are necessary to ensure archaeological assets are duly protected, whilst conditions 7, 8, 9, 11 and 12 are all required in the interests of highway safety for all users.

27. The footway crossing required under condition 10 would be provided, in part, on land forming part of the public highway. Delivery of the footway would therefore have to be secured via an agreement pursuant to section 278 of the Highways Act 1980 (as amended). The Highway Authority have requested the crossing and, from my site visit, I believe it to be necessary to ensure safe use of the highway by all users, given the speed and nature of traffic. I have imposed condition 10 so that the local planning authority are notified of the approved details. I have modified the condition to require the crossing to be fully completed prior to the occupation of the first dwelling rather than the nineth, to ensure delivery of the necessary infrastructure in the event that less than 9 dwellings are built.

28. Condition 13 is necessary for proper management of the development whilst conditions 14 and 15 are imposed to ensure construction across the site is undertaken without detriment to the living conditions of nearby occupiers. To ensure adequate protection and enhancement for local wildlife, conditions 16 to 19 are necessary.

29. During the Hearing, the main parties agreed to an additional condition securing a phasing plan for the scheme. I consider that the wording of condition 20 broadly reflects the agreement reached, and the condition is both reasonable and related to the development hereby permitted.

Conclusion

30. For the reasons given, subject to the conditions in the attached schedule and the UU, I conclude that the appeal should succeed.

D Wallis

INSPECTOR

SCHEDULE OF CONDITIONS

1) Approval of the details of the layout of the development, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 5 years from the date of this permission

3) The development of each individual plot hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.

4) The development hereby permitted shall be carried out in accordance with the details shown on the Local Plan received by the Council on 11 April 2022 and, insofar as it relates to the matter of access to which this permission relates, Drawing 100-225/006E.

5) Prior to the commencement of development, the applicant shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the local planning authority. The WSI shall include an assessment of significance, research questions and:

   i. The programme and methodology of site investigation and recording

   ii. The programme for post investigation assessment

   iii. Provision to be made for analysis of the site investigation and recording

   iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation

   v. Provision to be made for archive deposition of the analysis and records of the site investigation

   vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

   vii. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

6) No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under the above condition and the provision made for analysis, publication and inspection of results and archive deposition.

7) Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 100-225/006E with an X dimension of

2.4 metres and a Y dimension of 38 metres in North direction and 59 metres in the South direction to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

8) No part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM01, with a minimum entrance width of 4.5 metres for a shared access and made available for use. The access shall be retained as such thereafter.

9) Prior to the development hereby permitted being first occupied, the improved vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The access shall be retained as such thereafter.

10) Prior to the commencement of development, details of the new footway crossing on A1088 shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed prior to the occupation of the first dwelling hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

11) Concurrent with each submission of reserved matters for an individual plot, details of vehicle parking, including secure, lit and covered cycle storage and electric vehicle charging infrastructure for that plot shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the relevant plot is brought into use and shall be retained as such thereafter.

12) Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained as such thereafter.

13) Concurrent with each submission of reserved matters for an individual plot, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained as such thereafter.

14) Any construction work associated with the proposal shall be restricted to:

    i. 08.00 and 18.00hrs Mondays to Fridays;

    ii. and between the hours of 09.00 and 13.00hrs on Saturday.

There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development outside of these approved hours.

15) Prior to the commencement of development, a demolition and construction management strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include access and parking arrangements for contractors' vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The construction of the development on any and every plot shall only take place in accordance with the approved strategy.

16) Mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology Survey (MHE Consulting Ltd) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

17) Prior to the commencement of development (including any demolition, ground works, site clearance) a Biodiversity Mitigation Method Statement for mobile protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

    i. purpose and objectives for the proposed works;

    ii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

    iii. extent and location of proposed works shown on appropriate scale maps and plans;

    iv. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

    v. persons responsible for implementing the works;

    vi. initial aftercare and long-term maintenance (where relevant); and

    vii. disposal of any wastes arising from works.

    The works shall be carried out strictly in accordance with the approved details and shall be retained as such thereafter.

18) Prior to works above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

    i. purpose and conservation objectives for the proposed enhancement measures including birds, bats and hedgehogs;

    ii. detailed designs to achieve stated objectives;

iii. locations of proposed enhancement measures by appropriate maps and plans;

iv. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

v. persons responsible for implementing the enhancement measures; and

vi. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

19) Prior to the occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, lsolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained as such thereafter. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

20) Prior to the commencement of development, a Community Infrastructure Levy (CIL) phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the delivery of CIL to the local planning authority on a plot-by-plot basis and how relevant dates and milestones will be recorded. The development shall be carried out in accordance with the phasing plan, which shall remain in effect until all dwellings hereby permitted have been constructed.

APPEARANCES

FOR THE APPELLANT:
Phil Cobbald
Simon Gray
Andrew Moger

FOR THE LOCAL PLANNING AUTHORITY:
Daniel Cameron
Robert Feakes

DOCUMENTS

1. Statement of Common Ground signed 5 June 2023
2. Unilateral Undertaking signed 26 June 2023
3. Appeal Self Build Custom Build by Base Period
4. Appeal Decision 3291011

APPENDIX 3

Appeal Decision Ref: 6006097

Planning Inspectorate

Appeal Decision

Site visit made on 12 May 2026

by J Buxton BA(Hons) DipArch ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: 6006097
Land adjacent Preston Road, Ribchester PR3 3XL
Easting (x): 364706 Northing (y): 435556

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Mr T Burns against the decision of Ribble Valley Borough Council.
- The application reference is 3/2026/0050.
- The development proposed is erection of up to two dwellings.

Decision

1. The appeal is allowed and permission in principle is granted for erection of residential development comprising a minimum of one dwelling and a maximum of two dwellings at land adjacent to Preston Road, Ribchester PR3 3XL in accordance with the terms of the application reference 3/2026/0050, dated 22 January 2026.

Preliminary Matters

2. The application form was not completed with a full postal address. I have adopted an address which is an amalgamation of the description on the application form and the address on the Council's Decision Notice, and which accurately describes the location of the appeal site. For completeness, I have also included the Easting and Northing co-ordinates in the banner above for clarity.

3. The proposal is for Permission in Principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages: the first stage (or PiP stage) establishes whether a site is suitable in-principle, and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

4. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted[1]. All other matters are considered as part of a subsequent Technical Details Consent application if PiP is granted. I have determined the appeal accordingly and treated any details related to a Technical Details Consent as being illustrative only. There is no disagreement between the parties with regard to land use and amount of development and so my deliberations centre on whether the site is a suitable location for the proposed development.

Main Issue

5. Taking into account the above, the main issue is whether the site is a suitable location for the proposed development.

[1] PPG Permission in Principle Paragraph: 012 Reference ID:58-012-20180615

Reasons

6. The appeal site comprises an undeveloped parcel of land, broadly rectangular in shape and extending to approximately 0.19 hectares. It is located in Ribchester and fronts Preston Road. The site lies between existing residential properties along the road and is currently greenfield in nature. The topography of the site slopes gently downwards towards the main road. The land is bounded by vegetation along the frontage and north-western boundary, whilst the rear and south-eastern boundaries are more open. Access to the site is currently taken from the south-eastern boundary via an existing field gate.

Suitable location

7. The Council Officer's Report refers to Key Statement DS1 of the Ribble Valley Core Strategy 2008 – 2028 (CS), adopted 16 December 2014 which sets out a development strategy for the Borough. The strategy directs the majority of new housing development to an identified strategic site and the principal settlements of Clitheroe, Longridge and Whalley. In addition, it states that development will be focused on Tier 1 Villages, which are the more sustainable of the defined settlements and states that new housing within and outside of the Borough's Tier 2 village settlements will be more tightly controlled with such development being permissible where local needs housing or regeneration benefits can be delivered. The appeal site is adjacent the settlement boundary of Ribchester, which is identified as a Tier 2 Village.

8. CS Policy DMG2 requires that, outside of defined settlement areas, development should meet at least one of several considerations. In addition, CS Policy DMH3 states that residential development within areas defined as open countryside is generally limited to specified types of development. In this case, the proposed development does not meet any of the listed considerations nor does it fall within the types of residential development typically supported for open countryside locations. As such, the proposal does not accord with the above policies. There is no evidence before me that would lead me to conclude differently.

9. The Decision Notice refers to CS Policies DM12 and DMG3 of the Ribble Valley Core Strategy which seek to ensure that development is well related to the primary road network and can be accessed by sustainable modes of transport. These policies aim to promote development patterns which reduce reliance on private motor vehicles; in this respect there is disagreement between the parties regarding the suitability of the appeal site to access key services and facilities.

10. From my site visit, I observed that the site is located on a primary route through Ribchester and it is well connected by footpaths to the centre of the village which is within a reasonable walking distance. Within the centre there are a range of services, including public houses serving food, a retail shop, a post office, cafes, places of worship, a village hall, and a primary school. In addition, there are recreational facilities including an outdoor playground, tennis courts, and football pitches, as well as a range of local businesses. Collectively, these facilities provide for a range of day-to-day needs and contribute positively to the overall accessibility of the site.

[1] PPG Permission in Principle Paragraph: 012 Reference ID:58-012-20180615

11. I recognise that future occupants may need to travel further afield for employment, supermarkets and secondary schools, however, the site is located within close proximity of a bus stop providing an hourly service between 6am and 8.30pm. This offers a reasonable alternative to private car use, with journey time to Longridge which has a greater range of services, of approximately 8 minutes and onward connections to the wider area, such that future occupiers would not be wholly reliant on a private car.

12. In addition, the presence of a designated cycle route running along the frontage of the site offers further opportunities for travel by modes other than the private car. This offers connectivity to the surrounding area, and its proximity is likely to encourage its use by future occupiers.

13. Taking these factors together, future occupiers of the proposed development would not be wholly reliant on the private motor vehicle, and the site can therefore reasonably be regarded as being in an accessible location to local services by other modes of transport.

14. Although the proposal conflicts with the spatial strategy set out in CS Policies DS1, DMG2 and DMH3, I find that the site is well related to the existing settlement and occupies an accessible location. As such, it would accord with the objectives of Key Statement DM12 and Policy DMG3 of the CS which among other things seek to ensure that development is safely and sustainably accessible, does not harm highway safety, and meets criteria relating to design, environmental protection and overall development quality.

Other Matters

15. The parties have drawn my attention to the appeal decision[2] (The Chatburn Decision), where residential development outside a defined settlement boundary was allowed. My approach in this case is consistent with that decision. Whilst Ribchester is identified as a Tier 2 village, when its range of local services and public transport links are taken into account, I consider it to represent a suitable location for housing in principle.

16. The appeal site is positioned within open countryside but between existing built development and as a result is visually and physically related to the established settlement pattern along Preston Road. Whilst it lies outside the formal settlement boundary, it does not form part of an isolated or particularly sensitive rural landscape and as such it is also a suitable location for development in this regard.

17. I have had regard to the concerns raised by a neighbouring occupier in respect of the effect of the number of dwellings proposed on the character and appearance of the area, the living conditions of nearby residents and drainage. However, the application is made in the form of a PiP and the matter for consideration at this stage is whether the site is suitable for residential development of up to two dwellings. Whilst this establishes an upper limit, the precise form and layout of development, and the number of dwellings that would ultimately come forward within that parameter, would be determined at the technical details consent stage. Matters relating to parking provision for the dwellings, and any associated highway safety considerations, would also be assessed at that stage. Accordingly, whilst the indicative layout is a useful guide to how the site might be developed, it is not determinative.

[2] APP/T2350/W/25/3372635

18. I note that a public sewer crosses the site. However, this is a separate matter which can be addressed through engagement with the relevant statutory undertaker and considered at the technical details consent stage.

19. The proposal would also generate temporary economic benefits during the construction phase, alongside a small degree of ongoing support for local services through additional household expenditure. Given the limited scale of the development, these benefits carry limited weight.

Planning Balance

20. The proposed development would conflict with the spatial strategy set out in CS Policy DS1, together with Policies DMG2 and DMH3, as it would introduce residential development outside the defined settlement boundary within a Tier 2 settlement. However, the degree of conflict with these policies is tempered by the particular characteristics of the appeal site. It is bounded by existing residential development and reads as part of the built frontage along Preston Road. As such, the proposal would not result in isolated or sporadic development in the countryside, nor would it undermine the overall spatial strategy to any great degree. Nevertheless, as the proposal would be in conflict with the spatial strategy of the CS, it would conflict with the development plan as a whole.

21. The Council has not confirmed its current housing land supply position within the submitted evidence. However, having regard to the recent Chatburn appeal decision referenced by the appellant, issued in January 2026, it is understood that the Council's supply was approximately 3.45 years at that time. Whilst it is acknowledged that this position may have changed in the intervening period, no updated evidence has been provided by the Council to demonstrate that a full five-year housing land supply can now be sustained. In the absence of such evidence, it is reasonable to conclude that the Council cannot demonstrate a five-year supply of deliverable housing sites.

22. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework is engaged. As a result, the policies most important for determining the application, including those relating to the location and distribution of housing, are considered to be out-of-date.

23. Against this backdrop, the provision of additional housing, even at the modest level of up to two dwellings, attracts significant weight. This is particularly the case given that the appeal site is reasonably accessible to a range of services and transport options, such that it can be considered a sustainable location in planning terms.

24. In this context, I find that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole and planning permission should be granted.

Conditions

25. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle. Therefore, whilst I acknowledge the conditions suggested by the Council, I have not imposed them. The terms of the application already include site location, type of development and amount, and the amount has been expressed as a range in the decision paragraph, as required by the PPG.

Conclusion

26. I find this is a case where there are material considerations that indicate that the appeal should be determined otherwise than in accordance with the development plan. For the reasons given above the appeal should be allowed.

J Buxton

INSPECTOR