RIBBLE VALLEY BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

Appeal by Mrs V Middleton
against the refusal by
Ribble Valley Borough Council
to grant planning permission for

Land at Clitheroe Road, West Bradford

Planning Inspectorate Reference: APP/T2350/W/15/3064545
LPA Reference: 3/2014/0697

WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY
1. THE APPEAL SITE

1.1 The appeal site forms part of the undeveloped, open countryside situated to the south of West Bradford Village. It comprises open grazing fields and with traditional stone walls along the frontage to Clitheroe Road and lies beyond the existing development limits of the village. The northern extremities of the settlement boundary aligning the rear curtilages to properties on Meadowcroft and the terrace of No.s 1-4 Clitheroe Road with a PROW adjacent to the north western boundary. The land is relatively level, sloping very gently down in an east/south easterly direction towards the River Ribble.

2. PLANNING POLICY FRAMEWORK

2.1 The starting point for the determination of the appeal, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act 2004 is the Development Plan. The Core Strategy 2008-28: A Local Plan for Ribble Valley sets out Key Statements of strategic policy and detailed development management policies for the Borough. Following examination and incorporation of the modifications recommended by the Inspector who undertook the independent examination, the Core Strategy was found sound and compliant with national policy and legal requirements. It was subsequently adopted on 16th December 2014 and has the full weight of a statutory adopted plan and must therefore be considered consistent with national policy.

2.2 Upon adoption of the Core Strategy, the previously saved policies of the District wide Local Plan were superseded by the relevant policies of the adopted Core Strategy (see Chapter 14 of the Core Strategy).

2.3 Any pre-application advice given prior to adoption of the Core Strategy would have reflected the policy position and circumstances at that time and therefore cannot be binding upon the council. In this case, pre-application advice was given in March 2013. The time following submission of the plan (September 2012), its examination and leading up to the adoption of the Core Strategy represented one of emerging and changing policy. The current appeal falls to be determined in the light of the recently adopted and up to date Core Strategy.

2.4 The Core Strategy is up to date and should be considered so in terms of paragraph 14 of NPPF for the purposes of decision taking.

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1 See NPPG Paragraph: 006 Reference ID: 21b-006-20140306
3. DEVELOPMENT STRATEGY

3.1 The Development Strategy for the Borough is set out in DS1 of the adopted Core Strategy. It effectively identifies a hierarchy and directs development to the most sustainable locations in the Borough. The majority of new housing will be concentrated within the strategic site at Standen (Clitheroe) and the principal settlements of Clitheroe, Longridge and Whalley. It then directs a limited amount of development to nine Tier 1 settlements which are considered the most sustainable of the Borough’s 32 defined settlements. The table at 4.12 of the Core Strategy identifies the amount of housing directed to the principal and Tier 1 settlement and strategic site. In the remaining Tier 2 settlements, which comprise the 23 less sustainable of the defined settlements, there is no specific allocation of housing numbers for the plan period (shown as aero on the table at 4.12). DS1 states clearly that any development in these 23 settlements will need to meet proven local needs or deliver regeneration benefits.

3.2 The appeal site is not located within any settlement. It is located in the Open Countryside. Whilst adjacent to the settlement boundary of West Bradford which is a Tier 2 settlement it is clearly beyond exiting development limits of the village. Policies DMG2 and DMH3 set the parameters for considering applications in locations such as this and establish a general limitation of new dwellings in the countryside except for specific purposes. DMG2 requires that development within the tier 2 settlements or outside the defined settlement areas must meet at least one of six considerations summarised as development which is: essential to the local economy or well being of the area; needed for forestry or agriculture; for local needs housing which meets an identified need; for small scale tourism or recreation appropriate to a rural area; for small scale uses appropriate to a rural area; or compatible with Enterprise Zone designations. None of these is met in relation to the proposal. DMH3 applies to applications for dwellings in the open countryside. Residential development is limited to circumstances which can be summarised as: that which is essential for agricultural purposes or which meets an identified local need; appropriate conversions of buildings to dwellings; rebuilding or replacement of dwellings subject to certain criteria. The proposal does not satisfy these.

3.3 Tier 2 settlements are evidenced as the less sustainable of the borough’s defined settlements. They have a limited range of services, facilities and accessibility. Work
undertaken to inform the refinement of the Development Strategy in April 2014, (which post-dates the pre-application advice) identifies that West Bradford had at that time, a very limited range of facilities (school, public house and community centre) and a limited public transport service to Clitheroe. In such a location there would be a tendency to rely on the private car to access a fuller range of services and facilities, such as shopping provision and employment opportunities. As such the Development Strategy seeks to direct housing to more sustainable locations where the range of services, facilities and opportunities is greater and more readily accessible by more sustainable transport options such as more frequent public transport, cycling and walking.

3.4 The development subject of this appeal is for 11 dwellings (8 market and 3 affordable). However, whilst delivery of affordable housing may be a consideration, the majority of the scheme is not for affordable housing. The Affordable housing is being delivered as part of a larger scheme which is predominantly market housing in a location where the principle of market housing is unacceptable. Therefore the proposal does not meet the criteria set out in policies DS1, DMG2 or DMH3 and so is unacceptable in principle. The contribution of 3 affordable units would not outweigh the harm to the Development Strategy which would be caused by if the appeal is allowed in this location.

4. VISUAL IMPACT

4.1 West Bradford is an attractive village on the edge of the Forest of Bowland Area of Outstanding Natural Beauty. The village is situated on land rising up from the River Ribble towards the slopes of Waddington Fell. The appeal site has the appearance of open grazing land, delimited by tradition stone walls and with occasional trees and hedgerow plants. This is typical of the undulating and gently rising lowland farmland which runs through the valley and floodplains of the River Ribble and contributes to the attractive setting of the village of West Bradford.

4.2 The Landscape Character Assessment undertaken by Lancashire County Council in 2000 identifies the site as within an area of “Undulating Lowland Farmland” (type 5) lying between the valleys and moorland fringes and typified by woodlands and pasture, hedgerows and stone walls. The village of West Bradford is located at the foot of a wooded clough. In particular the site is part of the sub category 5g: South...
Bowland fringes and typical of the character of this area, forming part of the lowland fringes of Waddington Fell. Erosion of the character of the site will have an impact on the integrity of the landscape character of the wider area.

4.3 The site adjoins open, agricultural grazing land to the west and south with which it is visually contiguous. The northern portion of the site adjoins a row of traditionally built cottages/terraced properties which mainly front onto Clitheroe Road (Brooks Villas) and the rear curtilages to properties on Meadowcroft. These are located within the settlement limits and their boundaries of these are marked by stone wall and fences. The appeal site, although adjoining these, is visually distinct, marked by clear boundaries and with an entirely separate open, agricultural appearance. It has the character and appearance of open countryside outside the settlement of West Bradford. The development of the site would be a clear extension of urban form into the open countryside which would completely and irreversibly alter its character and appearance to the detriment of visual amenity. The design of the scheme, which could be sympathetic to the local vernacular, but would not compensate for the bulk and physical form of the development created by the construction of permanent buildings, domestic curtilages and associated domestic/urban paraphernalia, which would be obtrusive features and would not blend into the open countryside. It would bring the urban form of the settlement further out into the open countryside.

4.4 The site is highly visible on approaching the village from a southerly direction, which forms the main route into the village from a Clitheroe direction. It has a relatively elongated frontage along Clitheroe Road. It is also visible from the network of public footpaths that run alongside the river and along the northern/north west boundary of the site (see Map 1).

5. FLOOD RISK

5.1 It is noted that the application did not include a sequential test in in relation to the FRA. Although it is accepted the technical issues associated with the original FRA the applicant has failed to demonstrate that the sequential/exceptions test has been carried as required in the NPPF. It is submitted that to approve a scheme subject to a condition requiring a sequential test is wrong and that it ought to be submitted prior to a decision being reached on the proposal. On that basis the LPA considers it correct in doing so and that reason 3 should be upheld.

6. HOUSING LAND
6.1 The Council is aware of the need to boost significantly the supply of housing in accordance with paragraph 47 of NPPF. The Council complies with NPPF in the following ways:

6.2 The Core Strategy seeks to deliver 5600 dwellings over the plan period at Key Statement H1 of the Core Strategy in accordance with Objectively Assessed Needs. This equates to 280 dwellings per year.

6.3 It updates its housing land position on a six monthly basis to identify a supply of specific deliverable sites to provide 5 years' worth of housing against the annual requirement of 280 dwellings. The Council calculation of the five year requirement:

- Uses the Sedgefield method which seeks to make up the shortfall of dwellings in the plan period to date in a five year period in compliance with NPPG⁴;
- Incorporates a 20% buffer to recognise that here has been undersupply in the plan period to date;

The calculation of five year supply:

- Identifies sites with planning permission and sites where there is a resolution to grant permission and a Section 106 agreement is being negotiated;
- Excludes sites where there are known deliverability issues;
- Includes only those dwellings on large sites which are considered deliverable in the five year period;
- Includes a 10% allowance for flexibility on sites where development has not commenced;
- Includes a modest windfall element, equating to 23 dwellings a year based on previous trends and compliant with NPPF definitions (paragraph 48 and Glossary);
- Does not include SHLAA sites.

6.4 Housing land requirements and supply were considered in detail as part of the Core Strategy Examination. The Council's approach was effectively endorsed by the Inspector in concluding that there was five year supply of land and that on this basis the plan was sound. It is an approach that provides a realistic assessment of deliverable housing land and is entirely consistent with NPPF.

⁴ See NPPG Paragraph: 035 Reference ID: 3-035-20140306
6.5 The Council points out that its approach to the application of the 20% buffer is the same as that of the Secretary of State in a recent appeal decision in relation to Land bounded by Gresty Lane, Rope Lane, Crewe Road and the A500 at Crewe (reference: APP/R0660/A/13/2209335). The Secretary specifically disagreed with the Inspector concerning inclusion of the backlog in the figure to which the 20% buffer should be applied, as this is seen as double counting. The Council’s approach, to apply the buffer to the five year annualised figure and then add the backlog, concurs with the Secretary of State’s view in that appeal.

6.6 A windfall allowance is now included in the calculation of five years supply following the Inspector’s Report. In concluding that there was a five year supply of housing land, the Inspector stated that, “moreover the exclusion of windfall sites suggests that the present five year land supply assessment [5.16 years] may be a conservative estimate….“\(^5\) The windfall allowance is set out on pages 13-14 of the HLAS. It amounts to 23 dwellings a year, based on past evidence and is fully compliant with definition is NPPF (para.48 and the Glossary). It also takes account of the Development Strategy of the Core Strategy.

6.7 The latest published five year position (at 31\(^{st}\) March 2015)\(^6\), after applying all adjustments, allowances etc. set out earlier is that there is an identified supply of 2864 dwellings against a requirement of 2560 dwellings (or 512 annually). This amount to a 5.59 year supply position and represents an increase from the 5.16 year position (at March 2014) which the Inspector found sound. Therefore in relation to paragraph 49 of NPPF the policies for supply of housing are up to date.

6.8 It is noted that the appellant does not offer any information to contest this position.

6.9 Paragraph 49 of NPPF also considers that applications for housing should be considered in the context of sustainable development. The Council’s view is that the adopted Core Strategy, which has recently been subject to Sustainability Appraisal; found sound; and found compliant with national policy, is the spatial expression of sustainable development in the Ribble Valley context. As discussed in relation to the Development Strategy above, the principle of development is unacceptable in this location. It is therefore not sustainable and the presumption at paragraph 49 does not apply.

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\(^5\) Paragraph 85, Ribble Valley Borough Council Core Strategy, Inspector’s Report November 2014

\(^6\) Housing Land Availability Schedule April 2015, RVBC available at https://www.ribblevalley.gov.uk/downloads/download/7171/housing_land_availability_surveys_and_reports
6.10 The Council’s approach is consistent; compliant with NPPF and was found sound by the Inspector who examined the plan as recently as November 2014.

6.11 The Council also consider that if it were in a position where a five year supply were not demonstrated (this is not the current case) then the contribution that the site would make to overall supply is relatively insignificant and this would not be sufficient to outweigh the harm to the Development Strategy arising from granting planning permission in this unacceptable location. The Council would instead look to identify sustainable sites in accordance with its development strategy i.e. Principal and higher order settlements.

7. AFFORDABLE HOUSING

7.1 The appellant’s position is that the development would deliver affordable housing in accordance with identified needs. This in itself it does not outweigh the harm that would arise from granting permission for a scheme which is predominantly for market housing in the Open Countryside, contrary to the Development Strategy. In addition it would set an undesirable precedent by allowing market housing in unacceptable locations to effectively cross subsidise the delivery of affordable housing. There is no policy position in the adopted Core Strategy to support this. As such it would not be in accordance with para. 54 of the NPPF where the Council would consider allowing some market housing to facilitate the provision of affordable housing.

7.2 The Council is also aware of the provisions of para. 55 of NPPF (the Framework), which sets out the special circumstances which would justify new residential development in the countryside. They include the essential need for a rural worker to live permanently at or near their place of work, the re-use of redundant or disused buildings, or that the design of the development is of exceptional quality or innovation. The proposed development does not meet any of these requirements.

7.3 Further in relation to para. 55, whilst not overly isolated in relation to West Bradford Village, nonetheless, the settlement is defined within Tier 2 of policy DS1 as one of the less sustainable settlements with only a limited range of services, facilities and accessibility as discussed above. The Housing Needs Survey of 2013 has identified a limited level of housing needs in West Bradford. However the appeal proposal it is not solely for affordable housing. Even if it were so, the Council would have to consider such a proposal in the light of the policy framework of the Core Strategy and consider whether the appeal site represented the best location to meet those needs;
including whether those needs might be best met within the settlement or in the nearby and far more sustainable Principal Settlement of Clitheroe; the boundary of which is located only 1.1km to the south east of the appeal site. Any such outcomes cannot be pre-empted at this stage.

8. PRECEDENT

8.1 The development would amount to the unjustified outward expansion of West Bradford into the open countryside beyond the existing limits of the settlement thereby creating a significant urban incursion into open fields in a prominent and highly visible location on approach to the village along Clitheroe Road.

8.2 The Council is concerned that the proposed development could lead to a harmful precedent for the acceptance of similar proposals without sufficient justification within the open countryside. Whilst mindful that each application and appeal must be determined on its own merits, the Council is concerned that approval of this proposal could be used in support of other such similar schemes. This is not a generalised fear of precedent, but a realistic and specific concern regarding the proliferation of unjustified and unsustainable development within the countryside which could prejudice the implementation of the recently adopted Development Strategy. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, which cumulatively would exacerbate the harm outlined above in relation to the development strategy, visual amenity and flood risk matters.

8.3 Again whilst mindful that appeals must be determined on their own merits, the Council can point to recent appeals (since adoption of the Core Strategy) relating to development of dwellings, without justification in open countryside, where the Inspector has dismissed the appeals and upheld the Development Strategy of the recently adopted Core Strategy. These include:

<table>
<thead>
<tr>
<th>Reference:</th>
<th>Location</th>
<th>Proposal</th>
<th>Appeal decision &amp; date</th>
<th>comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>APP/T2350/A/14/2228071</td>
<td>7 Whins Lane, Simonstone</td>
<td>1 dwelling</td>
<td>dismissed 23/1/2015</td>
<td>Outside/not adjacent to settlement</td>
</tr>
<tr>
<td>APP/T2350/A/14/2228734</td>
<td>5 Cowper Place Sawley</td>
<td>1 dwelling</td>
<td>Dismissed 23/1/2015</td>
<td>Within tier 2 settlement</td>
</tr>
<tr>
<td>APP/T2350/A/14/2223462</td>
<td>Kingsmill Avenue,</td>
<td>4 dwellings (2 market, 2</td>
<td>Dismissed 22/6/2015</td>
<td>Outside/not adjacent to settlement</td>
</tr>
<tr>
<td>Mitton Road</td>
<td>affordable</td>
<td>settlement</td>
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<tr>
<td>APP/T2350/A/14/2226295</td>
<td>Longsight Road, Copster Green</td>
<td>Change of use and 4 new dwellings</td>
<td>Dismissed 3/2/2015</td>
<td>Within tier 2 settlement.</td>
</tr>
</tbody>
</table>

These decisions are supportive of the Council’s Development Strategy.

8.4 The Inspector in a further recent appeal in relation to Meadcroft, Clitheroe Road, Whalley for the demolition of existing dwelling and outbuildings and erection of nine new dwellings (ref: APP/T2350/W/15/3005882 – decision dated 30th July 2015) also upheld the adopted development strategy. He also considered, whilst not endorsing the appellant’s methodology, a higher annualised requirement in relation to assessment of housing land, as a “worst case scenario”. Notwithstanding this, he concluded that the Council can demonstrate a supply of specific deliverable sites to provide a five year supply and that the Council’s policies could not be considered out of date in this respect.

9. COMMENTS ON THE APPELLANT’S STATEMENT

9.1 The LPA has commented on the appellant’s statement in the application for costs and respectfully asks the Inspector to refer to the costs award submission. To summarise it is of the opinion that little justification is given by the appellant as why an exception should be made to approve a scheme that is clearly contrary to an adopted Core Strategy. The appellant also does not take into account that since the refusal the plan has been adopted and as such even more weight should be given to the Adopted plan than the status of the plan at the time of the original decision.

10. CONCLUSIONS

10.1 The policies of the Core Strategy have been recently adopted, found sound and compliant with national policy. It is an up to date plan in relation to paragraph 14 of NPPF.

10.2 The appeal site is located outside the settlement of West Bradford in Open Countryside. Development is unacceptable in principle and contrary to DS1, DMG2 and DMH3 of the Core Strategy. It does not therefore constitute sustainable development in accordance with paragraph 49 of NPPF.
10.3 It does not comply with paragraphs 54 and 55 of the NPPF; the provision of an element of affordable housing (3 out of a total of 11 dwellings) in itself does not outweigh the harm that would be caused by allowing this unacceptable development,

10.4 The Council can demonstrate a five year supply of housing land in accordance with paragraph 47 of NPPF. Accordingly, the relevant policies for supply of land as per paragraph 49 of NPPF are up to date.

10.5 The development of the site would lead to an urban intrusion into open countryside in a highly prominent position to the detriment of visual amenity.

10.6 Overall the Council therefore considers that the development would amount to unjustified and unsustainable development in the open countryside and therefore respectfully request that the appeal is dismissed. The Inspector is also requested to award costs for the LPA which forms part of a separate statement.