APPEAL BY BARROW LANDS COMPANY LTD AGAINST NON-DETERMINATION BY RIBBLE VALLEY BOROUGH COUNCIL OF AN OUTLINE APPLICATION FOR THE PROVISION OF UP TO 504 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING WITH THREE NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW

PUBLIC INQUIRY TO BE HELD ON 4 - 14 JUNE 2013

PROOF OF EVIDENCE OF SARAH LOUISE WESTWOOD, BA (Hons), MA, MRTPI ON BEHALF OF THE LOCAL PLANNING AUTHORITY

DOE REFERENCE APP/T2350/A/13/2190088/NWF LPA REFERENCE 3/2012/0630/P NGR SD 373439 438033
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1. **Qualifications and Experience**

1.1 My name Sarah Westwood and I am employed by Ribble Valley Borough Council as a Senior Planning Officer.

1.2 I hold a BA Honours Degree in Urban Development and a Masters Degree in Town and Regional Planning.

1.3 I have been employed by this Council since 1991 and was appointed to my present position in 1997 having previously held the post of Planning and Technical Officer in the Local Plans Section.

1.4 I have been a Chartered Member of the Royal Town Planning Institute since 1996.
2. **Scope of Evidence**

2.1 This is an appeal against non-determination of an application made to Ribble Valley Borough Council for the erection of up to 504 dwellings and associated works at land west of Whalley Road and south west of Barrow. In a report presented to Planning and Development Committee on 14 February 2013, three issues were identified as reasons for refusal and were endorsed by Members that centred on the following principal areas of concern:

(i) The proposal would be prejudicial to emerging policy in the Core Strategy;

(ii) Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure; and

(iii) Visual impact.

2.2 The Council’s Head of Planning Services also informed Committee that following discussions with Lancashire County Council Archaeological Service (LCAS) and the need for a pre-determination dig on this site, that had not been forthcoming, this would justify an additional reason for refusal.

2.3 Subsequent to the lodging of the appeal for non-determination the appellants commissioned a geophysical survey report for the site with the results submitted to the Local Planning Authority (LPA) on 3 April 2013. The survey concluded that the site has little or no archaeological potential, and did not identify any potential areas of archaeological interest that might require to be tested by further intrusive archaeological work (trial trenching). On the basis of this additional work undertaken following the putative reason for refusal, LCAS did not consider that any further archaeological work would be necessary. The appellants were informed of this via email on 10 April 2013 and the additional information brought to the attention of Members of Planning and Development Committee at their meeting of 11 April 2013. The minutes of that meeting state ‘The Head of Planning Services updated Members in relation to appeal of 3/2012/0630/P and that the archaeological reason be no longer pursued following receipt of additional information’.
2.4 The appellant and PINS were formally notified on 16 April 2013 that the Council would no longer be presenting evidence to the Inquiry in relation to archaeological matters as previously outlined in paragraphs 4.14-4.16 of the submitted Statement of Case.

2.5 In respect of matters relating to the lack of information in order to adequately assess the impact of the proposal on the local highway infrastructure, discussions have been on-going between the appellant’s highway consultant and Lancashire County Council (as the Local Highway Authority) since the appeal was lodged. At the time of drafting this proof of evidence those discussions were still ongoing with a view to producing a joint Highways and Transport Statement of Common Ground in order to detail areas where agreement has been reached and those matters to be resolved at Inquiry by the presentation of evidence by the respective highway professionals.

2.6 My evidence relates to the general planning issues of relevance. I consider the overall planning balance and assess the planning policies relevant to the determination of this appeal and the weight that should be afforded to them in the context of the proposed development.

2.7 Landscape matters are presented in the Proof of Evidence of Mr Taylor, housing land supply and relationship of the proposal with the emerging Core Strategy in the Proof of Evidence of Mr Hirst and highway matters in the Proof of Evidence of Mr Stevens. Where appropriate, my evidence cross refers to and relies upon these proofs.

2.8 There is much common ground between the Council and appellants and the matters in contention are defined as the 3 issues of concern as expressed in points (i), (ii) and (iii) in paragraph 2.1 above as reasons for refusal endorsed by Members on 14 February 2013.

2.9 A considerable number of matters have been agreed with the appellant as not being in dispute and these are detailed in the Statement of Common Ground (SOCG). Thus the detail of the appeal proposals including the site location and description of development are set out in full in the SOCG and are not repeated here.
2.10 My proof of evidence is structured as follows:

- Section 3 considers the Planning Policy context and Development Plan Policy Framework, including reference to Emerging Policy
- Section 4 considers the overall planning balance; and
- Section 5 sets out my summary and conclusions
3. **Planning Policy Context**

3.1 This section of my evidence offers a brief review of planning policy insofar as it relates to the general planning matters of importance relative to this appeal. Mr Taylor addresses landscape and visual amenity, Mr Hirst makes an assessment of the supply of housing land and relationship with Core Strategy in his proof of evidence and Mr Stevens considers policy and guidance with regard to transport and development within his evidence. I have tried not to repeat their analysis on which I rely.

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3 The Development Plan for the area currently comprises:

- North West of England Regional Spatial Strategy to 2021;
- The ‘saved’ policies of the Ribble Valley Districtwide Local Plan.

**North West of England Regional Spatial Strategy to 2021**

3.4 The North West of England Regional Spatial Strategy was adopted on 30 September 2008 (RS). It highlights the Spatial Development Strategy for the region over the plan period.

3.5 The Secretary of State is committed to revoking Regional Strategies as soon as possible and this is a material consideration. Paragraph 5.2 of the Statement of Common Ground (SOCG) details that the Secretary of State laid the measure before Parliament on 24 April.

3.6 Therefore at the time of drafting this proof of evidence RS remains a component of the Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, but the weight to be attached to it is decreased by the fact that its revocation is imminent. Paragraph 5.2 of the Statement of Common Ground outlines that the RS will have been revoked by the date of the opening of the Inquiry.
3.7 Key policies in respect of this appeal are agreed between the parties at paragraph 5.3 of the Statement of Common Ground.

Ribble Valley Districtwide Local Plan (DWLP)

3.8 Ribble Valley’s Districtwide Local Plan (DWLP) was adopted in 1998. Policies saved on 28 September 2007 relevant to the proposals where the parties have been able to agree that no conflict arises are set out at paragraph 5.6 of the Statement of Common Ground.

3.9 As the DWLP was adopted pre 2004, it is not compliant with the Planning and Compulsory Purchase Act 2004 and under paragraph 215 of the NPPF it is accepted that only limited weight can be attached to its policies concerning housing numbers and location of development (G5, H2 and H20) because such policies are out of date and inconsistent with the NPPF. However, the LPA considers that the policies concerning protection of the natural environment and transport matters do accord with the provisions of NPPF and therefore should be afforded weight in the decision-making process.

3.10 The site subject to this appeal lies outside the settlement boundary of Barrow as defined on the proposals map of the DWLP by Policy G4 (the boundary running along the opposite edge of Whalley Road). For the Inspector’s information Policy G4 forms part of the settlement strategy of the DWLP and defines which villages can accommodate small scale development and establishes what forms of development would be considered acceptable. That policy recognises the need to protect the individual character of each village and prevent unnecessary expansion into the countryside. However, it is accepted that this policy should be considered out of date and inconsistent with the provisions of NPPF.

3.11 The proposal does not comply with saved Policies G5, H2 and H20 which seek to limit development outside settlement boundaries. However, the Local Planning Authority (LPA) acknowledges that the local plan period (1991 to 2006) has now expired and that the contextual circumstances and policies have since changed with a need for further land releases for housing beyond settlement boundaries as originally defined in the DWLP.
3.12 The DWLP recognises that the natural environment of the Borough is one of its greatest assets. It is composed of many different parts which have evolved and changed over the years. It identifies that pressures for change still exist and the function of the Plan is to control and guide these pressures. In doing so environmental protection is a primary consideration with the aim being to enable growth and necessary development to take place in a way that is sustainable and as sensitive as possible.

3.13 Again it recognises a balance needs to be struck between environmental protection and the economic well being of the Borough commenting ‘the need to sustain the Borough’s economy should not be at the expense of those features which give the area its character and make it such an attractive place to live and work’.

3.14 The District is characterised by attractive open countryside with over 70% of the Borough being designated as an Area of Outstanding Natural Beauty (AONB).

3.15 Policy ENV1 of the DWLP concerns itself with those parts of the Borough designated AONB outlining that:

‘...development will ... need to contribute to the conservation of the natural beauty of the area ... The protection, conservation and enhancement of the natural environment will be the most important consideration in the assessment of any development proposal. Regard will also be had to the economic and social well being of the area.’

3.16 The landscape and character of those areas immediately adjacent to the Forest of Bowland Areas of Outstanding Natural Beauty are covered in Policy ENV2 of the DWLP which states that such areas will:

... be protected, conserved and wherever possible enhanced. The environmental effects of proposals will be a major consideration and the design, materials, scale, massing and landscaping of development will be important factors in deciding planning applications (see Policy G1). The protection, conservation and compatibility with policies to enhance the natural beauty of the adjacent Forest of Bowland AONB will be the most important
considerations in the assessment of any development proposal. Regard will also be had to the economic and social well being of the area.

3.17 The appeal site does not lie within the AONB, nestling between Pendle Forest and the Forest of Bowland – the 2 component parts of the designated AONB that covers areas of the Borough. Policy ENV2 refers to the Bowland fringes forming those areas immediately adjacent to the AONB but does not specifically define them on a map base. These are, of course, also the areas which provide the setting for the AONB.

3.18 Policy ENV3 concerns itself with the open countryside areas of the Borough outside the AONB and those areas immediately adjacent to it with an approach to conservation which gives a high priority to the protection and conservation of natural habitats and landscape features. In such areas development is required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials. The policy recognises that the open countryside is worthy of conservation and enhancement and whilst the LPA has no wish to unnecessarily restrict development it is essential that only development which does not have a significantly detrimental impact on the landscape character is allowed.

3.19 In terms of landscape protection Policy ENV13 of the DWLP outlines that ‘The Borough Council will refuse development proposals which harm important landscape features …’ The supporting text outlining that it is important to protect the existing landscape features which add to the character of the Borough.

3.20 The Plan also contains Policy G1, a general considerations policy, which sets out the criteria which the Council will apply in determining all planning applications. Of particular relevance to the consideration of this scheme is the following:-

All development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted, unless it adversely affects the amenities of the surrounding area.
In determining planning applications the following criteria will be applied:

(a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.

(b) The likely scale and type of traffic generation will be assessed in relationship to the highway infrastructure and the proposed and existing public transport network. This will include safety, operational efficiency, amenity and environmental considerations.

(c) Developments should make adequate arrangements for car parking (see Policy T7).

(d) A safe access should be provided which is suitable to accommodate the scale and type of traffic likely to be generated.

(e) The density, layout and relationship between buildings is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings as well as the effects of development on existing amenities...

(i) Developments should not result in the loss of important open space including public and private playing fields...

3.21 The supporting text to the policy makes clear that ‘The Borough Council will also weigh the economic benefits arising from the development against the environmental impact when making decisions’ and that in assessing the importance of open spaces in relation to criteria (i) that:-

3.1.5 In many cases the fact that access is available to an area of open land is just as important as the size and nature of the space provided. In other cases the physical existence of open space can be an important factor in the landscape or townscape of an area. This is not dependent on the availability of public access.
3.1.6 Developments should not adversely affect open breaks which contribute to the identity of the plan area or, open land which is visually dominant in the plan area.

3.22 Policy T1 of the DWLP concerns itself with transport and mobility issues and seeks to ensure that all developments are assessed in terms of their overall impact on the transport infrastructure.

3.23 It is considered that Policies G1, ENV1, ENV2, ENV3, ENV13 and T1 are consistent with the NPPF.

Other Material Considerations

National Planning Policy Framework

3.24 The National Planning Policy Framework (which was adopted on 27 March 2012) provides the most up to date national planning policy context for the appeal application and is therefore a material consideration in planning decisions.

3.25 The NPPF at paragraph 196 reaffirms that:

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

3.26 In paragraph 197 it states that ‘In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development’.

3.27 Paragraph 14 of the Framework outlines that:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
3.28 As to what constitutes sustainable development, this is clearly set out in paragraph 6 of the Framework where it qualifies that ‘the policies in paragraphs 18 to 219, taken as whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system’.

3.29 Paragraph 7 outlines the three dimensions of sustainable development: economic, social and environmental which give rise to the planning system to perform a number of roles as follows:

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and; as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.30 Paragraph 8 outlines that these should not be undertaken in isolation ‘... to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system’

3.31 Returning to Paragraph 14 and the presumption in favour of sustainable development:

*For decision taking this means (unless material considerations indicate otherwise)*
• Approving development proposals that accord with the development plan without delay; and

• Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this framework taken as a whole; or

- specific policies in this framework indicate development should be resisted. ¹

3.32 The Framework contains a set of core land use principles in paragraph 17 that should underpin both plan-making and decision-taking with the following considered relevant to the determination of this appeal:

planning should:

• be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;

• proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear

¹ I consider that this should include the landscape policies in Chapter 11.
strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

• always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

• take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

• contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

• promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production); and

• actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

3.33 A development of this nature will bring economic benefits to the area and thus it is important to refer to paragraphs 18 and 19 of the Framework which concern themselves with the promotion of sustainable economic growth. The NPPF attaches significant weight to the need to support sustainable economic growth. However, in assessing the merits of the scheme one clearly needs to cross reference to Paragraph 6 in terms of defining what is sustainable economic growth and the fact that all of the policies in paragraphs 18 to 219, taken as a whole constitute the Government’s view of sustainable development. It follows that if the economic development is not sustainable, it is not supported by the NPPF.
3.34 In respect of delivering a wide choice of high quality homes, paragraph 47 states:

To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this framework, including identifying key sites which are critical to the delivery of housing strategy over the plan period.

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

3.35 It follows in paragraph 49 that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites.

3.36 It is considered that the Council can demonstrate a 5 year supply of housing (see Proof of Evidence of Mr Hirst). However, if the Inspector was to find this not to be the case, then paragraph 49 would apply and relevant policies for the supply of housing should not be considered up to date. This is (perhaps) something of a sterile debate because (as explained earlier) the LPA considers that Policies G5, H2 and H20 (policies for the supply of housing)
are in any event out of date and the default position in paragraph 14 of NPPF applies in the determination of this appeal.

3.37 It is considered that the Local Planning Authority has had its needs for market and affordable housing objectively assessed by:

i) RS
ii) Nathaniel Litchfield and Partners in relation to evidence on housing requirements for its Core Strategy
iii) Strategic Housing Market Assessment
iv) The report to Planning and Development Committee which endorsed the requirement of 200 houses per annum (see proof of Mr Hirst for details).

Accordingly, I consider the needs for market housing should be considered against the RS and the Core Strategy. It is not appropriate for this Inquiry to consider a different annualised figure.

3.38 Matters relating to the supply of housing land are covered in detail in the proof of Mr Hirst but here it is important to state that having regard to the provisions of paragraph 14 of NPPF, it is accepted that the policies of the Districtwide Local Plan in respect of settlement strategy and housing numbers are out of date. Thus, the presumption in favour of sustainable development comes into force unless:

(i) any adverse impacts would so significantly and demonstrably outweigh the benefits; or
(ii) specific policies in the NPPF would indicate development should be resisted.

3.39 This is a matter to which I shall return when I come to discuss the planning balance of the scheme. However, at this stage it is important to state that the NPPF is not seeking to boost housing at any cost. Rather, the NPPF only supports housing if it is consistent with the policies of the NPPF, read as a whole (see NPPF paragraph 47). Accordingly, if development is inconsistent with landscape and transport issues it is submitted that no support can be derived from Paragraph 47.
3.40 In relation to NPPF Paragraph 14: footnote 9 provides a non exhaustive list of policy restrictions. I consider that the policies covering conserving and enhancing the natural environment within Section 11 of the Framework should be regarded as policies of restriction in that context. In particular paragraph 109 of the Framework states that:

*The planning system should contribute to and enhance the natural and local environment by … protecting and enhancing valued landscapes…*

If the proposed development fails this policy then it would be contrary to Paragraph 14 (ii) as well.

3.41 In terms of delivering a wide choice of high quality homes, the Framework states in paragraph 55 that *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

3.42 I have already made reference to the need to ensure developments in open countryside areas are in keeping with their surroundings in order to comply with ‘saved’ local plan policy. The Framework contains design guidance paragraphs noting that ‘The Government attaches great importance to the design of the built environment. Good design is indivisible from good planning, and should contribute positively to making places better for people’ (Paragraph 56) and ‘… planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’ (Paragraph 61).

3.43 In respect of transport matters paragraph 32 of the Framework is of relevance and is examined in more detail in the proof of Mr Stevens but of note are the following points:-

*All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*
• the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

• safe and suitable access to the site can be achieved for all people; and

• improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Ministerial statement from Eric Pickles: Housing and Growth 06/09/12

3.44 In assessing this appeal it is appropriate to have regard to the Government’s aim to plan for growth and to remove barriers for appropriate development which states:

The coalition Government’s number one priority is to get the economy growing. We must create the conditions that support local economic growth and remove barriers that stop local businesses creating jobs and getting Britain building again.

3.45 In addressing the need to promote large housing schemes it comments:

The need for new homes is acute, and supply remains constrained. There are many large housing schemes in areas of high housing demand that could provide real benefit to local communities once delivered. But large schemes are complicated and raise a wide range of complex issues that can be difficult to resolve.

3.46 It is recognised that Ribble Valley is an area of high housing demand and that this proposal would provide some benefits to the local community. However it is clear that this site has a range of complicated issues relating to landscape and visual harm and relationship with the emerging Core Strategy in terms of
scale of development. In the opinion of the Council these cannot be resolved. There are also outstanding highway matters that have not, at the time of drafting this proof of evidence, been resolved. These issues are demonstrated fully in the proofs of evidence submitted by Mr Taylor, Mr Hirst and Mr Stevens.

3.47 It is important to emphasise that the Council does not oppose sustainable growth and does not hold the view that, in principle, no further developments should take place in the villages of the Borough. On the contrary sustainable growth is envisaged in the CS (see Proof of Mr Hirst). It is the scale of development proposed that causes conflict with emerging plan policy and the provisions of NPPF.

Emerging Policy

Core Strategy 2008 to 2028 – A Local Plan for Ribble Valley

3.48 The Core Strategy will cover the period 2008 to 2028 with the Regulation 22 Submission Draft submitted to the Secretary of State in September 2012. The Plan is in suspension until 1 July 2013 to enable the LPA to update the following evidence base documents:

- Strategic Housing Market Assessment (SHMA)
- Strategic Housing Land Availability Assessment (SHLAA)
- Gypsy and Traveller Accommodate Assessment
- Employment Land and Retail Study

3.49 The parties have identified policies of that emerging document relevant to this appeal in paragraph 6.7 of the Statement of Common Ground. The emerging plan identifies a Development Strategy to bring forward 4,000 dwellings over the plan period and sets out that development should be directed to a strategic site in Clitheroe, to the 3 key service centres of the Borough (Clitheroe, Longridge and Whalley) and then a smaller scale of growth shared throughout the villages (including Barrow). However the Development Strategy put forward in terms of housing numbers and distribution of growth is subject to unresolved objections and can thus only be afforded limited weight
in the decision-making process at this time. Nonetheless, the evidence which underpins the CS is considered to be robust and the best evidence base on which to determine the target for housing to be pursued in the CS. This matter is covered further in Mr Hirst’s evidence regarding housing numbers and CS issues regarding the spatial distribution of growth throughout the Borough over the plan period 2008 - 2028.

3.50 In respect of landscape protection the CS carries forward and builds upon the policy principles of the DWLP. Key Statement EN2 Landscape states ‘… As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials. With the supporting text commenting that:

Over 75% of the area is designated as an Area of Outstanding Natural Beauty and outside these statutory areas the Borough comprises extensive areas of open countryside much of which has an intrinsic value that contributes to the quality of the landscape in the Borough. In addition the founding principle of landscape character is that all landscapes have a value. The Council considers that it is important to ensure development proposals do not serve to undermine the inherent quality of the landscape. Particular regard, consistent with the designation as AONB, will be given to matters of design and impact with an expectation that the highest standards of design will be required. The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquility. The following development management policies in particular will assist implementation of this statement: DMG1, DMG2, DME1, DME2, DMH3, DMH4, DMH5.

3.51 As with the DWLP, the CS contains a series of Development Management policies to provide a mechanism to help implement the Plan to attain the vision and objectives that have been identified.
3.52 DMG1 is a general considerations policy to be used in the determination of planning applications. The most relevant considerations regarding matters of concern in relation to this appeal are as follows:

In determining planning applications, all development must:

- be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.

- consider the potential traffic and car parking implications.

- ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.

- with regards to possible effects upon the natural environment, the Council propose that the principles of the mitigation hierarchy be followed. This gives sequential preference to the following: 1) enhance the environment 2) avoid the impact 3) minimise the impact 4) restore the damage 5) compensate for the damage 6) offset the damage.

- consider the density, layout and relationship between buildings, which is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.

- not adversely affect the amenities of the surrounding area.

- not prejudice future development which would provide significant environmental and amenity improvements.

This policy helps deliver the vision for the area and gives an overarching series of considerations that the Council will have regard to in achieving quality development.
3.53 Landscape and townscape protection are covered in Policy DME2 which states ‘Development proposals will be refused which significantly harm important landscape or landscape features’. This policy carries forward the aims of ENV3 from the DWLP with the supporting text outlining that the Council will seek, whenever possible, to enhance the local landscape. In applying this policy the Council will make reference to a variety of other guidance including the LCC Landscape Character Assessment. It notes that account will be taken of the potential cumulative impacts in an area where development has already taken place.

3.54 Transport and mobility issues are covered within policy DMG3 which states that ‘in making decisions on development proposals the local planning authority will, in addition to assessing proposals within the context of the development strategy, attach considerable weight to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development’. This policy carries forward the principles of T1 from the DWLP.

3.55 The Key Statement and Development Management policies concerning protection of the natural environment and transport and mobility have been formalised to reflect national policy are considered to accord with the provisions of the NPPF. In terms of an assessment of the degree of weight to be attributed to them in the determination of the appeal application it is the Council’s view that they should be afforded great weight as these have not been identified as main issues in taking the CS through to Examination.
4. **Overall Planning Balance**

**The Relevant Planning Policy Tests**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 The composition of the statutory development plan has been laid out within my proof and comprises:

- North West of England Regional Spatial Strategy to 2021;
- The 'saved' policies of the Ribble Valley Districtwide Local Plan.

4.3 I have acknowledged that the policies within the DWLP concerning housing numbers and location of development can only be afforded limited weight but that those concerning the protection of the natural environment and transport and mobility accord with the provisions of the NPPF and can thus be afforded weight in the decision making process. The NPPF is treated as a material consideration in the presentation of evidence to this Inquiry.

**The Benefits**

4.4 The appeal proposal is an outline application (with all matters reserved for future submission except for access) for the development of up to 504 dwellings together with on site landscaping, open space, associated infrastructure works including a new foul water pumping station and access roads.

4.5 Having regard to the potential benefits of the appeal proposal it is recognised that there are a number of particular benefits that can be identified as follows:

- A contribution to the supply of market housing land. The site proposes 353 market units. Based on average build rates experienced in the borough this would equate to a potential
contribution of 30 dwellings per year (if a single builder) against the annual housing requirement outlined in Mr Hirst’s proof of evidence of 200 units per year (without any adjustments for under supply).

- 151 affordable housing units. The Council does not have a set annual requirement for the provision of affordable housing and thus it is difficult to quantify in numeric terms the contribution this would make in a Boroughwide context.

- Associated economic benefits. It is recognized that the development both during construction and following occupation of the dwellings would generate some economic benefit. It is difficult to quantify the exact amount but it is accepted that in relation to New Homes Bonus it could generate a figure of around £550k a year (potentially each year for a six year period).

The 5 Year Land Supply

4.6 The development of this site will bring forward a release of housing land to add to the Council’s housing supply position. However, Mr Hirst’s evidence has explained that, in his opinion, the Council can demonstrate a supply consistent with the strategic approach to growth being progressed through the emerging Core Strategy. Barrow is identified as a village in that document with a level of growth in respect of housing numbers identified over the plan period being expressed as 1,120 dwellings to be distributed throughout all the villages of the Borough (calculated to allow for a minimum of 35 houses per settlement (32 villages)). This reflects the hierarchy of settlements that currently exists within the Borough. The Core Strategy has sought to focus development within the largest settlements where the greatest sustainability benefits can be derived for the settlement and the future occupiers of the new housing. In the composite submission draft CS the residual number of houses required had been updated to indicate that 583 dwellings were required in villages having regard to consents granted over the plan period to July 2012. Therefore in this context the appeal site would represent 86% of the total residual housing land requirement for the villages over the remaining plan period and 33% if assessed against the residual Boroughwide figure of
1,494 excluding the strategic site and 19% if including the suggested 1,040 dwellings at Standen.

**Landscape and Visual Impact**

4.7 It is evident from the proof of evidence of Mr Taylor that he considers the impact on the natural environment to be unacceptable and that the scheme put forward would not protect and enhance the existing landscape with a range of concerns raised including:

- The proposals will exert a significant change over the immediate site which will be predominantly adverse through the removal of mature trees and hedgerows, the loss of open countryside and the loss of views important to both the understanding of the landscape character and the character of the village.

- Mitigation measures as part of the proposals seek to replace lost landscape elements but these will take many years of growth to achieve anything close to the existing features.

- The loss of an open aspect and available views from public locations towards the elevated horizon or towards the established village settlement edge will create a very different character and one which is not typical for settlement within the character areas as currently understood.

- Within the wider lowland farmland areas the introduction of the proposed development will be noticeably out of scale with the existing pattern of settlement and will introduce urbanisation to the west of Whalley Road where currently very little (other than the historic linear settlement) exists.

**Transport and Mobility**

4.8 It is evident from the Proof of Evidence of Mr Stevens that he considers there to be a number of issues outstanding with respect to adherence to transport
policy and guidance and with regard to the impact of the development on the network with a number of concerns raised including:

- the submitted build out rates and traffic growth and the impact through and within Whalley

- the Transport Assessment is unacceptable with particular reference to the methodology and the approach in regard to assessment of, and the impacts on the operation of the highway network

- capacity (network/junction) reliability and sustainability will be negatively impacted on a number of corridors with delay and queuing being higher than presented in the Transport Assessment

- the application as submitted, fails to demonstrate that the site can be fully and appropriately integrated with the existing environment, with a lack of evidence to support measures for sustainable modes to deliver sustainable development or impacts on the wider network

The Strategic Housing Land Availability Assessment

4.9 The appeal site was first considered by the Local Planning Authority as part of the SHLAA (adopted November 2009).

4.10 The main aim of the SHLAA was to identify the amount and the general locations of land available for possible future development in the borough and it followed the SHLAA practice guide produced by CLG in July 2007. Overall, there were 308 sites considered for assessment in that document through either submission to the Council or through survey work undertaken by the Council. The SHLAA report made clear that the identification of a site at that stage did not in any way prejudice what may happen should a planning application be submitted. Its purpose was to identify potential areas of development to provide the Council with an indication of the amount of developable and deliverable land available.
4.11 If any of the sites were to be submitted by formal planning applications they would be explored fully throughout the development management process as the appeal site has with the individual merits of each case established against the relevant policies in force at the time of determination.

Pre Application Advice

4.12 The Appellants first approached the LPA to discuss the potential of the appeal site to accommodate approximately 500 dwellings in October 2011. At that time concerns were raised regarding the scale of development which was considered to conflict with the emerging Core Strategy and would pre determine the outcome of the plan making process in relation to Barrow. Concerns were also raised over the visual impact of the development given its scale and setting and that there were matters of infrastructure provision to be resolved in order for a development of the size envisaged to proceed. In respect of highways the response commented that the scale of the development was likely to have a profound impact on highway activity in the vicinity of Barrow, Whalley and Wiswell.

4.13 It was also outlined at that stage that the visual impact of the development was likely to be a key consideration and as such any future submission should be accompanied by a landscape visual appraisal to examine the impact on the character of Barrow and its surrounding environs. This was requested as it was felt it would prove advantageous in enabling Officers and Members of the Council to reach an informed decision on the potential visual implications of a development of this scale on greenfield land that would extend the urban edge of the settlement.

Pre-determination

4.14 Guidance from DCLG (Planning Systems: General Principles) states that:

…it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions
about the scale, location or phasing of new development which are being addresses in the policy in the DPD.

4.15 It is considered that the appeal proposal is so substantial that if permission were to be granted prior to the Examination in Public (EiP) then the Core Strategy would be prejudiced. It would provide for almost half of the strategic requirement identified for Clitheroe thereby compromising the deliverability of the strategic site. In relation to Longridge, the proposal would account for all of the residual planned requirement for what is the borough’s second principal town effectively providing a 42% surplus. This would compromise the opportunity for sustainable growth at Longridge. In relation to Whalley, the proposal would deliver, if approved, 30% more than the planned requirement. It is Mr Hirst’s opinion that approval of the appeal site would wholly undermine the Council’s Core Strategy at a stroke and pre-determine the outcome of the Examination. Mr Hirst explores this in further detail in his proof of evidence.

How to Weigh matters in the context of NPPF14

4.16 Paragraph 14 of NPPF sets out a presumption in favour of sustainable development and it is the policies in paragraphs 18 to 219 of that document when taken as a whole that constitute the Government’s view of what sustainable development in England means in practice for the planning system.

4.17 In considering the appeal proposal against the “decision taking” steps set out in paragraph 14, the proposal does not comply with the Development Plan (as the scheme is considered contrary to the adopted ‘saved’ Local Plan policies on landscape and transport matters as well as policies on the supply of housing namely G5, H2 and H20. Accordingly, there is no requirement under the first bullet point of paragraph 14 to approve this development without delay.

4.18 The default position therefore applies (i.e. the second bullet point). Relevant policies for the supply of housing are considered out of date as the contextual circumstance and policies have changed and the Local Planning Authority recognises a need for further land releases for housing beyond the Local Plan
settlement boundaries. Thus, under Paragraph 14 of the Framework planning permission should be granted unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or

ii) specific policies in this framework indicate development should be restricted.

4.98 In assessing the planning balance, I am mindful that if either criteria (i) or (ii) of paragraph 14 as outlined above is met, planning permission should be refused.

4.20 As stated previously, the Local Planning Authority acknowledges that the housing supply policies are out of date and that land needs to be identified beyond existing settlement boundaries to accommodate future development needs.

4.21 Evidence has been presented to the Inquiry regarding the impact of the development on conserving and enhancing the natural environment (paragraphs 109 to 125 of NPPF). The potential visual impact of the development has been a consistent issue raised with the appellants from pre-application stage through the submission of the non determination appeal.

4.22 The pre-application advice also made reference to the potential effect of a development of this size on the highway activity in not only Barrow but Wiswell and Whalley. Evidence has been presented to the Inquiry in the proof of Mr Stevens to demonstrate that the scheme as submitted did not satisfactorily address these matters. Whilst there has been ongoing discussions on this matter since the submission of the appeal at the time of drafting this proof there remain a number of unresolved issues. Therefore, at this time it cannot be said that the development meets the requirements of NPPF in respect of promoting sustainable transport (paragraphs 29-41).

4.23 I have acknowledged in paragraph 4.5 that there a number of benefits associated with this development but it is submitted that the contribution to
both the market and affordable housing supply in the Borough is not in itself significant in purely numeric terms to outweigh the harm caused to the landscape character of this part of the Borough. There is not a need to provide this level of housing in this location as the Council are able to demonstrate a 5 year supply of housing land.

4.24 The contribution of New Homes Bonus is undeniable. The Council's gross expenditure is around £30m per annum with external core Government funding of around £2.8m. Thus it could be argued that as a stand alone consideration of somewhere in the region £550k per annum (presuming all properties were Band D) the New Homes Bonus could be significant to the Council. However, New Homes Bonus could be altered at anytime and the Council have budgeted expenditure without the need of New Homes Bonus. Similarly there will be unquantifiable associated economic benefits to be derived from the site both during construction and post completion. However, these matters cannot be considered in isolation and there needs to be an assessment of weight given to these benefits when balanced against the clear harm identified to the character and appearance of the countryside and landscape quality of the area as identified in the proof of Mr Taylor, to the planned spatial distribution of growth for the Borough over the plan period 2008 – 2028 being promoted through the emerging Core Strategy as explained within the proof of Mr Hirst and to matters of transport as outlined in Mr Stevens evidence to the Inquiry.

4.25 Having regard to the evidence put before this Inquiry in respect of harm to landscape character it is considered that the benefits do not outweigh the long term harm that would be brought to the rural character of this area. The area of the appeal site is clearly part of the open countryside which surrounds and forms the setting of the village. The land to the west of Whalley Road is quite distinct from the village and any development in this location would be a significant outward expansion. Any loss of character to this area would be a permanent change in the landscape which would not outweigh any of the benefits which a scheme of this nature may bring. Thus the proposal is considered to fail criteria (i) of the 2nd bullet point to Paragraph 14 of the Framework.
4.26 One of the core principles in the Framework is to contribute to the conservation and enhancement of the natural environment. It cannot reasonably be disputed that conserving and enhancing the natural environment policies are policies of restriction and applicable to footnote 9 of Paragraph 14 of the NPPF. It is demonstrated in the proof of Mr Taylor that the proposal would cause serious adverse effects on the character and appearance of the countryside. Development of this site would result in the permanent loss of an area of open countryside and degrade the character and appearance of the area.

4.27 Mr Stevens has shown in his evidence that the application, as submitted, fails to demonstrate that the site can be fully and appropriately integrated with the existing environment, with a lack of evidence to support measures for sustainable modes to deliver sustainable development or impacts on the wider network. In this respect the scheme fails to fulfill the requirements of NPPF and should thus be deemed to fail criteria (ii) of the 2nd bullet point of paragraph 14.

4.28 The proof of evidence of Mr Hirst has confirmed that, in the LPA’s opinion, a 5 year supply of available housing land does exist. Whilst this is contested by the appellant, even if the Inspector found in favour on that aspect it is clear that the test of sustainable development as outlined in paragraphs 14 and 18 to 219 needs to be applied.

4.29 Mr Hirst has also examined the scale of development in relation to the emerging spatial vision for the area and it is considered that to approve this scheme would be prejudicial that process. The submission Core Strategy has evolved to provide a development strategy that focuses growth to the main settlements and has allocated a strategic growth point at the principal settlement in the Borough - Clitheroe. A strategy for growth across the remaining settlements has been established and it is a key element of the Council’s case that the approval of this application would not only be contrary to the provisions of the submission draft but the harm would be such to the strategy that it would predetermine the outcome of the Core Strategy Examination to such an extent as to warrant it likely that the Council would have to consider withdrawing the submission Strategy. In any event, the Council considers that the correct forum to determine these matters of
strategic significance, including housing requirements is that of the Core Strategy Examination for which an Inspector has been appointed.

4.27 To conclude, for reasons outlined in my proof and expanded in the proofs of Mr Taylor, Mr Stevens and Mr Hirst the granting of planning permission would be contrary to the provisions of the NPPF. Footnote 9 of the Framework sets out a non-exhaustive list of examples of policies of restriction. It is not preclusive and the NPPF in paragraphs 109 to 125 provide specific guidance on conserving and enhancing the natural environment. It is evident from the proof of evidence of Mr Taylor regarding landscape matters that he considers there to be a conflict and thus the Local Planning Authority submit that this conflict should, under criteria (ii) of NPPF, paragraph 14 (decision-taking) result in planning permission being refused. Areas of conflict regarding transport matters have been examined within the evidence of Mr Stevens. Mr Hirst has demonstrated that approval of this scheme at this time would prove prejudicial to the progression of the submitted CS and this is a material consideration to be taken into account in the determination of this appeal.
5. Summary and Conclusions

5.1 Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration to be taken into account in planning decisions.

5.2 NPPF has as its golden thread running through decision making a presumption in favour of sustainable development. It identifies that there are three dimensions to sustainable development – an economic role, a social role and environmental role, and that it is the policies of paragraphs 18 to 219 taken as a whole, that constitute the Government's view of what sustainable development means in practice for the planning system.

5.3 Ribble Valley has a Local Plan with ‘saved’ policies that is considered out of date. Thus, irrespective of whether it can demonstrate a five year supply of housing, the presumption in favour of development is engaged.

5.4 The proposal subject of this appeal lies in close proximity to the settlement boundary of the village of Barrow (it following the line of Whalley Road on the opposite side of the road to the appeal site). The LPA do not dispute that in terms of its proximity to services, the site could be deemed to be in a sustainable location. However, that alone does not mean that the development itself can be considered to represent sustainable development under the terms of the NPPF.

5.5 It is acknowledged that the development of up to 504 dwellings may bring benefits to the local community in terms of a contribution towards the provision of housing, affordable housing and associated economic benefits. However, the evidence presented to this Inquiry in respect of visual amenity has identified that development of this site would prove unduly detrimental to the natural environment.

5.6 The site was initially identified as part of the SHLAA process in 2009 and under the terms of reference for the production of that document, it was considered a reasonable location for development. However, the SHLAA is
not a site allocations document and assessments were made as to the potential of the site in the abstract without detailed investigations undertaken on matters of landscape impact.

5.7 The Local Planning Authority engaged with the appellant to offer pre-application advice at which time concerns were raised and reference made to the potential conflict with the emerging spatial vision for the Borough.

5.8 The evidence of Mr Hirst has examined the concept of pre-determination against work on the emerging and submitted CS. It is the Council’s view that to allow 504 dwellings in one of the villages of the Borough, thereby taking 86% of the future development potential for villages across the entire Borough, would restrict the ability of other villages to expand over the remaining plan period. It is acknowledged that the plan has been submitted and is presently under suspension to refresh elements of the evidence base. However, that plan clearly identifies a strategic site for housing with lower levels of housing provision distributed throughout the remainder of the Borough. It is not for this Inquiry to determine whether that approach to development limits is appropriate, that will be tested through the CS Examination.

5.9 The Local Planning Authority carefully considered all the relevant information submitted with the planning application and has reached the conclusion that the harm identified in the proof of evidence of Mr Taylor in respect of landscape and visual amenity are so significant as to contradict policies of the NPPF. Equally there are matters of concern related to the highway impacts of this development that have not been satisfactorily addressed. Thus Mr Steven’s evidence concludes that the scheme fails to fulfill the requirements of NPPF in that respect.

5.10 Therefore the proposal should be refused when considered against criteria (ii) of paragraph 14 (decision - taking) of the Framework as specific policies indicate that the development should be resisted. Notwithstanding this I have made an assessment under criteria (i) of paragraph 14 and assessed the potential public benefits of the scheme. However, I can find nothing to outweigh the harm identified to the landscape qualities of the area as
presented to the Inquiry in the proof of evidence of Mr Taylor and transport matters put forward by Mr Stevens.

5.11 Thus the scheme is not considered to represent sustainable development under the terms of NPPF and the presumption in favour of development is not engaged. The scheme as submitted fails to demonstrate that the site can be fully and appropriately integrated within the existing environment and would lead to the loss of an important open green space that makes a significant contribution to the visual setting of the village of Barrow. The evidence of Mr Hirst has demonstrated that there are also material considerations to indicate that the development should not be permitted having regard to its impact on the emerging CS. Thus the Inspector is respectfully requested to dismiss this appeal.