



RIBBLE VALLEY
BOROUGH COUNCIL

19 MAR 2012

FOR THE
ATTENTION OF

For office use only

Application No: 320120264P

Date received

Fee paid £

Receipt No:

Council Offices, Church Walk, Clitheroe, Lancashire. BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

Application for removal or variation of a condition following grant of planning permission.

Town and Country Planning Act 1990.

Planning (Listed Buildings and Conservation Areas) Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

3. Site Address Details

Please provide the full postal address of the application site

Unit: House number: House suffix:

House name: ABBEY FARM

Address 1: NETHERTOWN CLOSE

Address 2:

Address 3:

Town: WHALLEY

County: LANCASHIRE

Postcode (optional): BB7 9SF

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: Northing:

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

If Yes, please complete the following information about the advice you were given (This will help the authority to deal with this application more efficiently)

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY): (must be pre-application submission)

Details of pre-application advice received?

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

DEMOLISH AN EXISTING AGRICULTURAL BUILDING AND REPLACE IT WITH FOUR HOLIDAY COTTAGES IN TWO STONE BUILT BUILDINGS, TOGETHER WITH GARDEN AREAS AND PARKING

Reference number: 3/2009/0807 Date of decision (DD/MM/YYYY): 18/12/2010 (date must be pre-application submission)

Please state the condition number(s) to which this application relates:

1		6	
2		7	
3		8	
4	THE UNIT(S) OF ACCOMMODATION SHALL NOT BE LET TO OR OCCUPIED BY ANY ONE PERSON OR GROUP OF PERSONS FOR A CONTINUOUS PERIOD OF LONGER THAN 1 MONTHS IN ANY ONE YEAR & IN ANY EVENT SHALL NOT BE USED AS PERMANENT ACCOMMODATION	9	
5		10	

Has the development already started?

☐ Yes ☒ No

If Yes, please state when the development started (DD/MM/YYYY):

(date must be pre-application submission)

Has the development been completed?

☐ Yes ☒ No

If Yes, please state when the development was completed (DD/MM/YYYY):

(date must be pre-application submission)

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

SEE PLANNING STATEMENT.

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

N/A

Ownership Certificates

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so

The steps taken were:

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

7. Ownership Certificates (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so

The steps taken were:

--

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

--

On the following date (which must not be earlier than 21 days before the date of the application):

--

Signed - Applicant:

--

Or signed - Agent:

--

Date DD/MM/YYYY:

--

8. Agricultural Land Declaration

AGRICULTURAL LAND DECLARATION

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

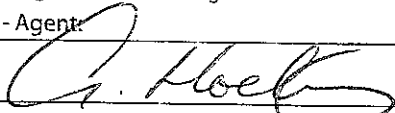
Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of, an agricultural holding

Signed - Applicant:

--

Or signed - Agent:



Date (DD/MM/YYYY):

16.8.12

(B) I have/ The applicant has given the requisite notice to every person other than myself/ the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

--

Or signed - Agent:

--

Date (DD/MM/YYYY):

--

9. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:



The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable):



The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies of the completed, dated Article 12 Certificate (Agricultural Holdings):



The correct fee:



10. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(date cannot be pre-application)

11. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ Agent ☐ Applicant ☐ Other (if different from the agent/applicant's details)

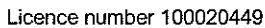
If Other has been selected, please provide:

Contact name:

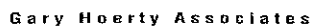
Telephone number:

Email address:

320120264P



Proposed Location Plan 1:2500



T: 01200 442301
F: 01200 442976
Email: info@ghaonline.co.uk

Title: Discharge of Conditions for
Proposed Holiday Cottages at
Abbey Barn
Nethertown Close
Whalley
Clitheroe
BB7 9SF

All work is to be carried out to the latest current British standard Codes of Practice and recognised working practices. All work and materials should comply with Health and Safety legislation. All dimensions are in millimetres except where explicitly shown otherwise. The contractor should check and certify all dimensions as work proceeds and notify GHA of any discrepancies. Do not scale off the drawings, if in doubt ask.

Drawn: RB

Scale: 1:2500

Amendments:



Gary Hoerty Associates

320120264P

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Clitheroe
Lancashire
BB7 2DG

Tel: 01200 442301
Fax: 01200 442976
www.ghaonline.co.uk
www.ruralproperty4sale.com
email: info@ghaonline.co.uk

PLANNING STATEMENT

IN RESPECT OF A PLANNING APPLICATION TO
DELETE CONDITION NUMBER FOUR OF OUTLINE
PLANNING APPLICATION 3/2009/0807.

AT

ABBAY FARM, NETHERTOWN CLOSE, WHALLEY,
BB7 9SF

FOR AND ON BEHALF OF MR R HARRISON

Prepared by: Gary Hoerty
Our Ref: Har/284/1343/GH
Date: March 2012



Chartered Surveyors ■■■■ Planning & Development ■■■■ Land Agents
Valuers ■■■■ Property Agency ■■■■ Property Management



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1. INTRODUCTION, BACKGROUND INFORMATION AND PROPOSED DEVELOPMENT

- 1.1 Gary Hoerty Associates has been instructed by Mr R Harrison of Abbey Farm, Nethertown Close, Whalley, BB7 9SF to submit a planning application for the removal of Condition 4 of planning application 3/2009/0807P. The condition states *"The unit(s) of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis"*.
- 1.2 The proposed removal of the holiday let condition which forms part of the original planning consent 3/2009/0807P would enable the holiday cottages to be occupied for unrestricted residential accommodation.
- 1.3 We will consider in this report the proposal in more detail and set out why we believe that this would conform to national and local planning policies and why the application should therefore be looked upon favourably. We will make reference to examples within the Borough where unrestricted residential development has been approved outside of the adopted settlement boundaries, which support the approval of this application.

2 PLANNING HISTORY

- 2.1 Planning application 3/2009/0807P proposed the demolition of an existing agricultural building and its replacement with four holiday cottages in two stone built buildings, together with garden areas and parking at Abbey Barn, Nethertown Close, Whalley, BB7 9SF. The application was granted permission on 18 December 2009 subject to a number of conditions, including Condition 4 to which this application relates. Condition 4 reads as follows:

"The unit(s) of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis".
- 2.2 Planning application 3/2008/0705 was for the proposed modification of Condition no 7 of planning application 3/2005/0798, which granted permission for an equine building, and related to a restriction upon the occupation of the building to the owner of the land and the application was approved with conditions on 30 September 2008.
- 2.3 Planning application 3/2006/1015 was for the conversion of an existing agricultural building to form four holiday lets and was approved with conditions on 16 March 2007.

- 2.4 Planning application 3/2005/0216 was for the conversion of an existing agricultural building to form two holiday cottages and was approved with conditions on 13 May 2005.

3. THE APPLICATION SITE

- 3.1 The application site comprises a small parcel of land upon which there presently exists a steel portal frame agricultural building which currently has the benefit of planning consent for its demolition and replacement with four stone built holiday cottages in two separate blocks of accommodation. The application site sits at the southern end of Nethertown Close, a small residential development of barn conversions and three detached properties. Immediately to the north and the east of Nethertown Close there is an area of residential development which adjoins Calderstones Park, which has been extensively developed in recent years with residential development.
- 3.2 The application site is outside the settlement boundary of Whalley which is located approximately 400m to the south east. Although the site is outside the settlement boundary there is residential development between the settlement boundary and the application site fronting both sides of Mitton Road and the site is therefore seen as part of a group of ribbon development which already exists.
- 3.3 The application site is approximately 400m from the nearest railway station and there are bus stops nearby and it is a relatively short walk from the application site to the range of facilities and amenities that exist within the village of Whalley.

4. PLANNING CONSIDERATIONS

- 4.0.1 Local planning authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan with regard to the application comprises the North West Regional Spatial Strategy (September 2008); and the saved policies of the Ribble Valley Districtwide Local Plan (June 1998). The current local plan is thirteen years old and there is more up to date regional and national policy which will be relevant when considering applications for development.

4.1 National Planning Policy

- 4.1.1 The main national planning policy guidance of relevance to the consideration of residential development proposals is set out in PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport and the draft National Planning Policy Framework (NPPF).

PPS1: Delivering Sustainable Development (February 2005)

- 4.1.2 PPS1 sets out general principles of sustainable development, and also provides general guidance on achieving appropriate planning and design. Planning is expected to facilitate and promote sustainable and inclusive patterns of urban

and rural development. Good planning should also protect and enhance the natural and historic environment, the quality and character of the countryside and existing communities. High quality development is sought through good design and the efficient use of resources. Good access to jobs and services should be available to all members of the community.

- 4.1.3 PPS1 provides specific guidance on the achievement of high quality design. Paragraphs 33 to 39 deal specifically with design issues, stating *"good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development...High quality and inclusive design should create well-mixed and integrated developments which avoid segregation."*
- 4.1.4 The guidance continues by setting out factors that a good design should incorporate. These include:
- *address the connections between people and places by considering the needs of people to access jobs and key services;*
 - *be an integral part of the processes of ensuring successful, safe and inclusive villages, towns and cities;*
 - *create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and*
 - *consider the direct and indirect impacts on the natural environment.*
- 4.1.5 Paragraph 27 states in respect of delivering sustainable development that planning authorities should seek to:
- (v) *Provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas.*

PPS3: Housing (June 2010)

- 4.1.6 PPS3 sets out the Government's key objectives with regard to planning for housing. It states that the key objectives are to ensure everyone has the opportunity to live in a decent home, which they can afford, in a community where they want to live. In order to achieve this, the Government sets out four strategic policy objectives:
- *To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community;*
 - *To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need;*
 - *To improve affordability across the housing market, including by increasing the supply of housing;*

- *To create sustainable, inclusive, mixed communities in all areas, both urban and rural.*

- 4.1.7 PPS3 states at paragraph 38 that local planning authorities should set out the criteria to be used for identifying broad location and specific sites taking into account amongst other things, the accessibility of proposed development to existing local community facilities, infrastructure and services, including public transport. It also states that consideration must be given to:

The need to provide housing in rural areas, not only in market towns and local service centres, but also in villages in order to enhance or maintain their sustainability. This should include, particularly in small rural settlements, considering the relationship between settlements so as to ensure that growth is distributed in a way that supports informal social support networks, assists people to live near their work and benefit from key services, minimise environmental impact and, where possible, encourage environmental benefits.

- 4.1.8 In achieving the strategic housing policy objectives, the outcome of the planning system is envisaged to deliver:

- *High quality housing that is well designed and built to a high standard.*
- *A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.*
- *A sufficient quantity of housing taking account of need and demand and seeking to improve choice.*
- *Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure*
- *A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land.*

- 4.1.9 On publication of PPS3, paragraph 7 requires local planning authorities “to assess and demonstrate the extent to which existing plans already fulfil the requirement set out in this statement to identify and maintain a rolling five-year supply of deliverable land for housing, particularly in connection with making planning decisions.”

- 4.1.10 In relation to delivering a flexible supply of land for housing, paragraph 52 refers to the Government’s objective to ensure the planning system delivers a flexible, responsive supply of land. It states that:

“Local Planning Authorities and Regional Planning Bodies should develop policies and implementation strategies to ensure that sufficient, suitable land is available to achieve their housing and previously-developed land delivery objectives.”

- 4.1.11 Paragraph 53 states that:

"At the local level, Local Planning Authorities should set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable continuous delivery of housing for at least 15 years from the date of adoption, taking account of the level of housing provision set out in the Regional Spatial Strategy...."

4.1.12 Paragraph 54 states that local planning authorities should identify sufficient specific deliverable sites to deliver housing for the first five years. To be considered deliverable sites should be available, suitable and achievable.

4.1.13 Paragraph 55 states that LPA's should also identify a further supply of specific, developable sites for years 6-10 and where possible for years 11-15.

4.1.14 Paragraph 69 identifies criterion which LPA's should have regard to in determining applications for new residential development:

In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently*

4.1.15 Paragraph 69 sets out the considerations for advancing sites which meet wider objectives for planning for housing.

4.1.16 Paragraph 71 states:

Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.

4.1.17 Paragraph 72 states:

Local Planning Authorities should not refuse applications solely on the grounds of prematurity.

4.1.18 Paragraph 74 confirms that the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000 was cancelled with effect from 1 April 2007.

4.1.19 The Council does not currently have a five year housing land supply, which is the conclusion set out in the Council's Annual Monitoring Report. This means that

proposals for housing development should be looked upon favourably in accordance with PPS3 in order to help address the shortfall in housing supply.

PPG13: Transport (2011)

- 4.1.20 Planning Policy Guidance Note 13: Transport has been updated and the new version was published on 3 January 2011. This document makes reference to more recent planning legislation such as The Transport Act 2000 and Transport 2010: The 10 Year Plan. The updated PPG13 sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. This document updates PPG13 which was published on 20 April 2001 to reflect changes to parking standards and charges.
- 4.1.21 The objectives of the guidance are to promote more sustainable transport choices for both people and for moving freight, to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car. The document acknowledges that the car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel.
- 4.1.22 In order to achieve these objectives, local authorities must, when preparing development plans and considering planning applications manage urban growth and make the fullest use of public transport and locate development which is highly accessible by public transport, walking and cycling.

National Planning Policy Framework (NPPF)

- 4.1.23 On 25 July 2011, the Government published a consultation draft of a new planning policy statement which is intended to replace the current suite of PPSs and PPGs. The National Planning Policy Framework is intended to provide more concise guidance, but also set out a framework for the positive treatment of development. The Government is committed to delivering development in order to underpin economic growth, which means that a number of policy changes are required as well as a more general change in the way in which development is perceived. We consider that this new emphasis would warrant the Council being supportive of the proposed development.
- 4.1.24 In relation to housing development, local authorities are still required to maintain a five year land supply. However, a twenty per cent contingency is also expected to be maintained. The practical implication of this requirement is that local authorities are now expected to maintain a six year land supply. Local authorities will also be expected to identify sufficient land to meet the full market and affordable housing requirement. This is defined within the NPPF to be the requirement resulting from ONS projections, as well as need identified within an up to date SHMA. The new Duty to Co-operate will also play an important role in determining the requirement, as it will require local authorities to take account of migration, wider housing market areas and economic growth across boundaries and within sub regional or regional areas

- 4.1.25 The implication of the changes to be introduced within the NPPF is that the housing requirement for local authorities is unlikely to reduce particularly as ONS projections show only general upward trends underpinning population and household growth. In addition, the Government has at the centre of its agenda 'planning for growth' which again suggests that increased rates of housing delivery are necessary. The implication for local authorities is that housing development should be supported in order to ensure sufficient new homes are delivered.

New Homes Bonus Scheme

- 4.1.26 In addition to changes in policy, the Government has introduced a number of incentives to encourage new homes to be built. A key incentive is the New Homes Bonus Scheme whereby local authorities are awarded a bonus council tax payment for six years on completion of every new dwelling.

4.2 Regional Planning Policy

Regional Spatial Strategy for the North West (2008)

- 4.2.1 Over the last year there has been much uncertainty concerning the status of Regional Spatial Strategies, due to the widely publicised intention of the Government to repeal the legislation through the Localism Act. Following a number of legal challenges by Cala Homes against the Secretary of State, the status of RSS as part of the statutory development plan has now been confirmed. In addition, the due weighting of RSS policy in planning decisions has been clarified through the Courts, and more recently through Appeal Decisions issued by the Planning Inspectorate. A report to Ribble Valley Borough Council's Planning and Development Committee, on 17 June 2010, confirmed that the RSS housing figures be adopted as the strategic basis for housing land provision in the Borough. Indeed, the Council supported the housing provision figures at the time of RSS preparation. However, it should be noted that the targets in RSS have more recently been found by the Planning Inspectorate to be only a starting point, as local authorities are required to confirm that the targets are still appropriate through local evidence and justification and work in this regard is ongoing. At this moment in time, RSSs will not be revoked until the EIA process has been completed for each Strategy. 30 days' Notice will then need to be served in the Houses of Parliament before the legislation will be deleted.
- 4.2.2 The North West RSS sets out the strategic planning and development framework for the whole of the North West region, where it provides a framework for policy planning across individual local authorities, including Ribble Valley. Policy L4 (Regional Housing Provision) sets out the expectation that Councils are to manage the availability of land identified in plans and through development control decisions to achieve the housing provision levels stipulated. The provision levels required in Ribble Valley (net of clearance) for the period 2004 – 2021 is 2,900. This figure equated to 161 dwellings per year. The housing targets are not intended to be a maximum, instead they serve as a minimum target.

- 4.2.3 Policy DP1 seeks more sustainable decision making in planning with better use of land, buildings and infrastructure and the promotion of an appropriate mix of uses within a site or its wider neighbourhood. Proposals should contribute towards reducing the need to travel and assist people to meet their needs locally.
- 4.2.4 In order to achieve sustainable development, Policy DP2 seeks to promote sustainable communities which foster relationships between homes, workplaces and services; consider the economic, environmental and social implications of development; improve the built environment, health and education; promote safety and exercise; and, integrate and phase the provision of public services and facilities to meet needs.
- 4.2.5 Policy DP4 seeks to make the best use of existing resources and infrastructure, through building on existing concentrations of activity and infrastructure, which does not require new infrastructure
- 4.2.6 The sub-regional priorities for Ribble Valley are set out under Policy CLCR1. The Policy expects investment and sustainable development to be focused in the City of Preston and the 3 towns of Blackburn, Burnley and Blackpool. Development in general is expected to provide for a range of good quality housing, accessible to local facilities, particularly in locations which accord with Policy RDF2.
- 4.2.7 Policy L2 requires local authorities to develop an understanding of local and sub-regional housing markets by undertaking Strategic Housing Market Assessments. This is in order to adopt a comprehensive approach to:
- Influence housing supply to achieve a better match between supply and demand across all types, sizes, tenures and values;
 - Improve the quality of the Region's housing stock;
 - Support housing market restructuring and renewal, and overcome increasing issues of affordability; and
 - Ensure the needs of the wider population are met, including housing need in local areas.
- 4.2.8 Policy L4 requires local authorities to monitor and manage the availability of land identified in Plans and through development control decisions in order to achieve the housing targets set out in Table 7.1. Table 7.1 sets out an annual average rate of 161 dwellings per year for Ribble Valley in order to meet a total net housing target of 2,900 over the period 2003 and 2021. At least 65% of development is expected to be delivered on previously developed land. The targets set out in Table 7.1 are not absolute targets and may be exceeded. The annual target is also expected to continue for some years after 2021.
- 4.2.9 Policies RT1 and RT2 encourage local planning authorities to make best use of existing infrastructure and develop ways in which to manage the demand for travel in the most sustainable ways.

4.3 LOCAL PLANNING POLICY

Ribble Valley Districtwide Local Plan (1998)

- 4.3.1 The Ribble Valley Districtwide Local Plan was adopted in 1998. The application site is shown on the Local Plan Proposals Map to be located adjacent to the development limits of Billington and within an area designated as open countryside.

General Policies

- 4.3.2 Policy G1 sets out general considerations for all development proposals. It states that *"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."* A number of detailed criteria are then set out against which proposals will be determined.
- 4.3.3 Policy G2 sets out a settlement hierarchy for the Borough in which Whalley is identified as being as a main settlement.
- 4.3.4 Policy G5 sets out the criteria against which proposals outside the main settlement boundaries and village boundaries will be determined. The main policy consideration is that proposals are small in scale. The policy then goes on to state that planning consent will be granted for development which is essential to the local economy or the social wellbeing of the area, or where it is appropriate in rural areas and conforms to other policies in the Plan.

Environment

- 4.3.5 Policy ENV3 sets out the policy considerations for proposals in the open countryside but outside of AONBs. It simply states that proposals are required to be *"in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials."*

Housing

- 4.3.6 Policy H2 provides criteria for the consideration of residential proposals outside of settlement boundaries. It states that residential development will be limited to proposals including those which meet a proven local need. The Policy goes on to explain that the impact of proposals on the countryside will be an important consideration. Impact is considered to encompass siting, landscaping, scale, design, materials, which are all expected to reflect the character of the area.
- 4.3.7 Paragraph 5.14.3 sets out the indicators for identifying housing need in the Borough, which includes population and household projections.
- 4.3.8 The Local Plan was prepared in accordance with the Lancashire Structure Plan, which sets out a number of key considerations, including the housing requirement for Ribble Valley. The Structure Plan and the housing target referred to in the Local Plan were superseded by the Regional Spatial Strategy, which

was more up-to-date and since 2 February 2012 by the Council's new target, which forms part of the Core Strategy

Transport

- 4.3.9 Policy T1 is a general transport policy. It states that the local planning authority will attach considerable weight to the location of the site in relation to the primary route network, including access to adequate public transport. It goes on to encourage proposals which locate developments in areas that maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities. Proposals are also supported which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their viability and vitality.

- 4.3.10 Policy T7 deals with parking provision and states:

"All development proposals will be required to provide adequate car parking and servicing space"

4.4 OTHER MATERIAL CONSIDERATIONS

Affordable Housing Memorandum of Understanding (AHMOU)

- 4.4.1 The Affordable Housing Memorandum of Understanding which was approved by the Council's Health and Housing Committee in July 2009 has recently been updated and was adopted by the Health and Housing Committee on 19 January 2012. This new Memorandum states that outside of Longridge and Clitheroe, for developments of 5 or more dwellings (or sites of 0.1 hectares or more irrespective of the number of dwellings), the Council will seek 30% affordable units on sites, as the development is for four dwellings there will be no requirement for the provision of affordable dwellings on the site.

Ribble Valley Borough Council Annual Monitoring Report 2011

- 4.4.2 The Annual Monitoring Report (AMR) 2011 covers the period 1st April, 2010 to 31 March 2011. One of the Core Output Indicators addresses net additional dwellings (in previous years, for the reporting year and in future years). The housing trajectory shows that there have been 375 net additional dwellings over the previous 5-year period, there have been 69 net additional dwellings for the current year, there is a projected 1,869 net additional dwellings required up to the end of the relevant development plan period, the annual net additional dwelling requirement is 161 per annum to 2021 and an annual average number of 187 net additional dwellings are needed per year to meet overall housing requirements, having regard to previous year's performance. The adjusted target of 187 per year (for the remainder of the plan period) takes into account the actual completions set against the RSS requirement to highlight the level of development that must occur for these RSS targets to be achieved.
- 4.4.3 Another of the Core Output Indicators is "Plan period and housing targets" and this shows that as at 31 March 2011 (taking into account permissions and

completions to this date) RVBC has a 2.9 year supply of housing land. Further monitoring since this time has since shown that as at 31 October, 2011, Ribble Valley Borough Council can demonstrate a 3.3 year supply of housing.

- 4.4.4 One of the Core Output Indicators states that there remains a high percentage of dwellings being constructed at a density of 50 dwellings per hectare and above. During the monitoring period, this was inline with the aims of PPS3 as high density development makes better use of land. Since the monitoring period, the new coalition government has revised PPS3 and removed the density targets.
- 4.4.5 One of the Core Output Indicators relates to the identified supply and the supply of deliverable sites over 5 years (Housing Land Availability Survey April 2011). It shows the sites under construction to be 166 and the deliverable permissions (discounted by 10% slippage allowance but including affordable units) to be 389. The total supply is 555 which equates to 2.9 years supply at a 5 year adjusted rate at 01.04.11.
- 4.4.6 A local indicator relates to the number of new dwellings approved and states that *"In 2008, the housing restraint policy was removed. This policy, which came into effect in 2002, heavily restricted open market housing. This was introduced to combat an oversupply of housing in the borough and previous AMRs shows that it was evident that this approach worked towards correcting this situation. Of the 388 dwellings that have been approved over the current monitoring period, 283 were on the open market and the remaining 55 were for affordable residential development"*
- 4.4.7 The Council had a Planning Committee meeting on 2 February 2012 to discuss a report prepared by the forward planning department in respect of the Core Strategy on Housing Requirements the purpose of which was to consider and agree the strategic housing requirement for Ribble Valley. The outcome of the meeting was that the Council chose to adopt a housing target of 4,000 houses for the plan period or 200 per annum. The effect of this is to reduce the Council's supply of housing and to increase the annual requirement.

Strategic Housing Land Availability Assessment (SHLAA)

- 4.4.8 Local authorities are required to produce a SHLAA to inform preparation of LDFs. The main aim of the SHLAA is to identify the amount and the general locations of land for possible future development within the Borough. It can also be used to inform the five year land supply in terms of identifying sources of supply if there are insufficient allocations, dwellings under construction or dwellings with planning permission.
- 4.4.9 The findings of the SHLAA are that there is potentially 62 years supply of residential land which is deliverable and developable over the next 15 years. The SHLAA sets out that 5,441 dwellings have the potential to be available and suitable for delivery in the next 5 years, where 70 per cent of the supply would be located within the main settlements of Clitheroe, Longridge and Whalley, and the remaining 30 per cent located within the villages.

- 4.4.10 A consultation was undertaken on the SHLAA in September 2008 where both the methodology and sites to be considered were made available for comment as part of the assessment process. The application site was not included in the consultation document and was not therefore subject to an assessment at that time. However the site is more sustainably located than many other sites that have been included in the SHLAA as appropriate sites for development in the five year period.

5. THE DEVELOPMENT PROPOSAL

- 5.1 The application seeks planning permission for the deletion of a condition which has been placed on the development of four dwellings on the site restricting the occupation of the dwellings to holiday cottage use only. The deletion of the condition would enable the approved dwellings to be occupied as unrestricted residential dwellings and would therefore contribute towards meeting the Council's requirement to have a five year supply of land for housing.

6. THE PLANNING CASE

- 6.1 The site is currently green field and is outside but adjacent to the settlement boundary of Whalley, however it does have permission for a restricted residential use, which we would argue changes its green field status. It is protected from new development by Policies G5 and ENV3 of the adopted local plan unless it is an identified exception or there are other material considerations which outweigh these policies.
- 6.2 The development if approved would represent a departure from the adopted local plan and we set out below the planning case, which supports the principle of development proposed in this application.

Section 38 Planning and Compulsory Purchase Act 2004

- 6.3 Local planning authorities are required by the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 6.4 One such consideration is whether the development plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence. Likewise, where national policy is more up to date than the development plan then its policies should also take precedence.
- 6.5 The Ribble Valley Districtwide Local Plan was adopted in 1998 and since then RSS for the North West was published in 2008 and PPS3 was revised in 2010. The requirements of PPS3 should therefore take precedence in the determination of any planning application, along with the policies in the RSS. Only where Local Plan policies have not been superseded by regional or national policy should they be referred to in determining planning applications.

- 6.6 It is important to note that the draft NPPF, although it is not yet published is a material consideration in the determination of planning applications. Therefore current policy should be interpreted in light of the thrust of the draft Framework. The draft NPPF expects local authorities to be positive about development and to plan for growth. (Please refer to section 3.1.23 – 3.1.25 of this report which provides more detail with reference to the draft NPPF).
- 6.7 There has recently been some confusion as to the status of Regional Spatial Strategies and the housing targets following their temporary revocation by the Secretary of State in July 2010. Following a successful legal challenge by Cala Homes, RSSs were reinstated and remain a material consideration in the determination of planning applications; however the second Cala judgement found that limited weight should be given to RSSs. Notwithstanding this the Members of the Council's Planning and Development Committee confirmed at their meeting on 2 February 2012 that the RSS figures would be replaced and the housing target for the plan period has now increased to 4,000 or 200 dwellings per annum. Notwithstanding this the Members of the Council's Planning and Development Committee confirmed that the RSS represents the statutory policy for delivery of housing for development control in June 2010.
- 6.8 Members of the Council's Planning and Development Committee confirmed at the 2 February 2012 meeting of the Planning and Development Committee that the RSS figures would be replaced and the housing target for the plan period has now increased to 4,000 or 200 dwellings per annum

PPS3 and Five Year Land Supply

- 6.9 This planning application has been submitted on the basis that the Local Planning Authority cannot demonstrate a five year land supply in accordance with the requirements of paragraph 71 in PPS3.
- 6.10 The Council identified that as of 31 March, 2011 (taking into account permissions and completions to this date) RVBC has a 2.9 year supply of housing land. Further monitoring since this time has since shown that as at 31 October, 2011, Ribble Valley Borough Council can demonstrate a 3.3 year supply of housing. However since then the Council has adopted a new housing target which has eroded their supply figure. The Council is unlikely to be able to rectify the situation until an Allocations DPD has been adopted. This is expected to take at least another 2 – 3 years by which time the land supply situation is likely to be exacerbated unless sites are immediately released for development.
- 6.11 In such circumstances it is necessary to consider allowing development outside of the defined settlements in appropriate and sustainable locations and we consider that the application site is both appropriate and sustainable and has already been granted planning consent for residential use albeit subject to a holiday occupancy restriction
- 6.12 Paragraph 71 of PPS3 states that Local Planning Authorities should consider favourably planning applications for housing where a five year land supply cannot be demonstrated. In doing so, local planning authorities are required to consider

whether granting permission would undermine achievement of their policy objectives and the considerations in paragraph 69.

- 6.13 We do not consider that approving this application will undermine achievement of their policy objectives and the considerations in paragraph 69.

Determining Planning Applications in Accordance with PPS3

- 6.14 The matters which local planning authorities are required to consider under paragraph 69 of PPS3 are set out in turn below:
- 6.15 Achieving high quality housing: the application is solely for the deletion of a condition restricting the occupation of four approved dwellings and therefore the appropriateness of the design and appearance of the dwellings has already been approved. The houses will be high quality in terms of the energy efficiency, as they will be built to current Code for Sustainable Homes and Building Regulation standards.
- 6.16 Ensuring a good mix of housing: this is a very small scale housing development comprising of a total of four semi detached dwellings in two separate blocks with two three bedroom, one two bedroom and one four bedroom unit being created.
- 6.17 Suitability of the site, including environmental sustainability: the site is in a more sustainable location than two major housing schemes that have been approved at Calderstones Park and four restricted occupancy dwellings have been approved. There is access to trains and buses and a broad range of services and facilities within easy walking distance of the site and we have no doubt that it is suitable for unrestricted residential development.
- 6.18 Use land effectively and efficiently: the development does make effective and efficient use of the site.
- 6.19 Ensure the proposed development is in line with planning for housing objectives: the objective of national and regional planning policy is to ensure there is a wide choice of housing to address the requirements of the community. Regional and local planning policy aims to ensure such development is sustainable by directing development to appropriate locations where there is access to services and facilities, and where development will support the vitality of communities.
- 6.20 The local authority currently does not have a five year land supply in order to deliver its recently agreed housing target. Planning permissions therefore need to be granted in order to increase the supply of land available to meet the identified housing need and deliver wider policy objectives. The SHLAA provides a source of sites that have been identified as being suitable and potentially available in order to meet local housing need, including the application site.
- 6.21 RSS sets out that at least 65 per cent of residential development within Ribble Valley should be delivered on previously developed land. The AMR demonstrates that in the last reporting year, 85 per cent of development was delivered on previously developed land. Whilst the proposal site is possibly still

classed as a green field site, it will not undermine the policy objective given that the Council has exceeded the target by such a margin.

Sustainable Development

- 6.22 The site is in a sustainable location in very close proximity to the settlement of Whalley and is immediately adjacent to a relatively large area of residential development which although not within the settlement boundary immediately adjoins Calderstones Park, which has been the subject of extensive residential development during the plan period. The approval of the application would generally be too contrary to the objectives of the settlement hierarchy defined under Policy G2, and would conform to the local policy requirements of Policy T1, which addresses accessibility to employment, facilities and services.
- 6.23 The application site is located to the north west of Whalley with access via a cul-de-sac Nethertown Close which is accessed off Mitton Road. There are bus stops on Mitton Road and Whalley Railway Station is only 400m away from the site. The centre of Whalley is approximately 1km away. The application site is clearly accessible and supports policy objectives in the Local Plan as well as PPG13.
- 6.24 As well as being accessible, it is considered that the proposed development would help to strengthen the existing village centre at Whalley in accordance with Policy RT2 in RSS.

Local Planning Policy

- 6.25 The Ribble Valley Local Plan sets out a settlement hierarchy under Policy G2 which considers Whalley to be an appropriate location for development. The application site forms a parcel of land which is located very close to the development limits within the defined settlement and immediately adjacent to a large block of existing residential development. Because the site is outside of the development limits then the Local Plan sets out that general residential development may not be appropriate in the open countryside. However, this itself is not a sufficient reason for refusal given the wider policy considerations set out above and also the detailed policy considerations for proposals in locations on the edge of existing settlement set out below.
- 6.26 Policies G5 and H2 both support small scale development where it does not impact on the character of the open countryside. As we have set out in this report this proposal is for the modification of a condition in respect of the nature of the occupancy of a small scale development of four dwellings which will be in keeping with the existing development pattern at Nethertown Close. There will be absolutely no visual impact as a consequence of this planning application only the type of occupier of the approved dwellings will change.
- 6.27 We consider that the proposed development conforms with Policies G5 and H2 as not only is the proposal small in scale but it would make a valid contribution to delivering development which is essential to the local economy and the social wellbeing of the area. The Government sets out in PPS1 and PPS3 that residential development supports the economy by providing housing in support of

economic growth. Also, a key objective in supporting wellbeing is providing a variety of housing types and tenures. Furthermore, building houses provides a range of jobs in the construction process.

- 6.28 The full design and details of the proposed dwellings with the exception of landscaping has already been approved by the Council.

7. SIMILAR DEVELOPMENT APPROVED WITHIN THE BOROUGH

- 7.1 We make reference below to a number of similar types of development that have been approved in the Borough in the recent past, which support our opinion that the proposed development should be looked upon favourably.

Application 3/2011/0422 – land at Neddy Lane, Billington

- 7.2 The first application we make reference to is planning application number 3/2011/0422 which is an outline application for two detached dwellings together with associated garages, parking/turning areas and gardens on land at Neddy Lane, Billington. This application was approved with conditions on 18 October 2011. This application permitted residential development on land immediately adjoining the current application site.

Application 3/2011/0541P - Land bounded by Dilworth Lane and Lower Lane, Longridge

- 7.3 We make reference to planning application number 3/2011/0541P for the proposed full application for 49 houses and associated infrastructure works at land bounded by Dilworth Lane and Lower Lane, Longridge. This application was approved at the Planning and Development Committee meeting on 10 November 2011.
- 7.4 The application sought consent for the erection of a total of 49 houses. The scheme comprises a mix of two and three bedroom semi and terraced housing and four bed detached properties of varying house types, sizes and tenures (10 x 3 bed; 5 x 2 bed and 34 x 4 bed). The affordable housing element of the scheme comprises 15 units in total broken down as 10 x 3 bed units (8 for shared ownership and two for social rent) and 5 x 2 bed units (all five for social rent).
- 7.5 The site lies outside but immediately adjacent to the defined settlement limit of Longridge. It is bounded by the B6243 (Lower Lane) to the south and the B5269 (Dilworth Lane) to the north. The site is green field in nature and enclosed by a mixture of hedgerows, trees and fences.
- 7.6 In the Officer's report to Committee it is stated that

"The proposals are for the development of 49 residential units, 15 of which are for affordable housing. Policy G5 of the Districtwide Local Plan recognises the need to protect the countryside from inappropriate development, and therefore planning permission for local needs housing would only be considered if an

affordable local housing need could be identified in this location. This approach of meeting an identified, affordable housing need is consistent with Policy ENV3 of the Districtwide Local Plan which, as well as requiring that any development must be in keeping with the character of the landscape area and reflect local vernacular, scale, style, features and building material, also stipulates that only development that has benefits to the area will be allowed. Although small-scale affordable housing that meets an identified need would comply with this requirement, wider issues of site suitability and housing supply must also be considered."

7.7 The report continues to state that

"In looking at this issue it is apparent that Ribble Valley Borough Council is currently unable to identify a 5-year supply of deliverable housing land, with this figure standing at 3.3 years as at 1/10/11 (most up to date monitoring information). Paragraph 71 of PPS3: Housing, states that where LPAs cannot demonstrate an up to date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality design,
- Ensuring developments achieve a good mix of housing,
- The suitability of a site for housing, including its environmental sustainability,
- Using land effectively and efficiently; and
- Ensuring the proposed development is in line with planning for housing objectives.

An important consideration in assessing these proposals is bullet point 3 of para 69 (as above), which relates to the need for Local Planning Authorities to have regard to the suitability of a site for housing, including its environmental sustainability, as well as bullet point 5, which requires that development consider planning for housing objectives. Paragraph 10 and 36 of PPS3 discuss this further and state that housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

In assessing the sustainability of the site regard should also be had to national planning guidance offered in PPS1 'Delivering Sustainable Development' and PPS7 'Sustainable Development in Rural Areas'. The latter document comments in paragraph 3 that 'away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together'. PPS1 comments in paragraph 8 that 'the plan led system, and the certainty and predictability it aims to provide is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan unless

material considerations indicate otherwise (in this instance the requirements of PPS3) Reference is also made in paragraph 33 to the fact that 'good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development.

- 7.8 To summarise the Officer states that

"It is considered that although the site would be located on land designated as open countryside, it is adjacent to the settlement boundary of Longridge and therefore closely related to a service centre which can offer these facilities and access, which is in line with planning for housing objectives and considered a suitable site for housing. Therefore based upon the information received to date, the proposals satisfy the criteria set out in paragraph 69 of PPS3 and the requirements of PPS1 and PPS7 in terms of sustainable development."

Application 3/2010/0719 - Land off Henthorn Road, Clitheroe

- 7.9 We also make reference to planning application number 3/2010/0719 which was approved in the Planning and Development committee dated September 2011. This application was for the proposed residential development of up to 270 dwellings, doctor's surgery, landscape, open space, highways and associated works at land off Henthorn Road, Clitheroe.

- 7.10 The application site is approximately 15.7 hectares in size, is green field and in agricultural use. The site lies outside the settlement limit within land designated as Open Countryside.

- 7.11 The report to committee states

"It is important to bear in mind however that the Adopted Saved Local Plan was prepared in the 1990's against previous Lancashire Structure Plan policies that have been superseded by Policies of the RSS. RSS policies promote different levels of growth and planned for a period beyond that of the 2006 end date for the current Local Plan. Whilst policies have been saved, there have been no revisions of the old policies to reflect new growth and the need as a result to review settlement boundaries."

- 7.12 The report continues

"In relation to the current proposal, it should be judged in the first instance against requirements of Planning Policy Statement 3 – 'Housing'. It is also important to note that the provisions within PPS3 explicitly provide for its policies to supersede existing development plan provisions. The Council cannot demonstrate a five-year supply as it is required to do therefore the tests of paragraph 69 must be applied. The main element of principle therefore becomes one of whether the site is a suitable site for residential development. PPS3 creates a presumption in favour of residential development where the tests sets out in the Statement are met"

- 7.13 These comments are particularly relevant to our client's application site

- 7.14 The report also states that

"Objectors have questioned the need to develop the site for housing given the number of dwellings for sale in the area but the Council are required to have a five-year land supply. Thus new land for development within the borough needs to be sought out and permission granted should the scheme comply with plan policies that are in place at the time of determination."

- 7.15 The report makes reference to an example of planning permission that was granted consent by the Secretary of State on the 21 July 2011 for a site at Clayton-le-Woods, Chorley, *"where they feel some of the main issues are clearly similar in context to the main issues under consideration for this scheme."* It is apparent that residential development outside of settlement boundaries is being viewed in a favourable way by Councils in order to help towards the supply of deliverable housing land.

Application 3/2011/0837/P Land off Pendle Drive, Calderstones Park

- 7.16 Finally we make reference to planning application number 3/2011/0837/P which the Planning and Development Committee decided to defer and delegate their approval to officers to conclude at the 9 February 2012 meeting. This application was for the proposed residential development of 46 dwellings associated access and parking. This much larger development is further away from Whalley than the application site and fully supports the approval of the application.

8. SUMMARY AND CONCLUSIONS

- 8.1 The planning application seeks the deletion of a holiday use occupancy condition in respect of a small development of four residential properties we consider that the proposal complies with local, regional and national planning policy and will provide an attractive modest housing development on land immediately adjoining other residential development.
- 8.2 The development will provide much needed housing in a sustainable location in accordance with the principles of good design.
- 8.3 Whilst the development site lies outside the settlement boundary of Whalley we have demonstrated in this Statement that there are significant material considerations which support the unrestricted residential use of this site.
- 8.4 We consider that this application should be fully supported by the Council.

Signed


Gary Hoerty BSc (Hons) MRICS FAAV

Date

16.3.2012