



RIBBLE VALLEY BOROUGH COUNCIL

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Dear Mr N. Patch,

RE – Appeal by Mr P. Snaith and Mr L. Shaw against the refusal to grant planning permission for the demolition of an existing stable block in order to erect 2 no. two-storey, four bedroom detached houses and a garage block on the site of a former stable, Trapp Lane, Simonstone, Lancashire, BB12 7QW.

The Delegated Report sent with the Appeal Questionnaire on the 6 February 2012 is considered to provide a sufficient level of detail relating to the reasons why this application was refused, however due to the ongoing changes relating to housing numbers in the Ribble Valley and the submission of the Core Strategy 2008-2028 Regulation 22 Draft to the Planning Inspectorate, this letter will provide an update on the Council's position. This letter will also provide some additional backing, where necessary, to the Report, and provide comments on the Appellants Ground of Appeal.

A letter to provide the Council's final comments on any further information received will be sent in due course if required.

Council's Statement of Case/Update on Position

1. Core Strategy 2008-2028 - Policy Update

- 1.1. The Council submitted the Core Strategy 2008-2028 Regulation 22 Draft to the Inspectorate on the 28th of September 2012 (this can be found by following the link on the e-mail). Following receipt of this document from the Inspectorate, the Council have been using the policies and key statements within this document as material considerations when making decisions on planning applications.
- 1.2. With respect to this application, due to the timing of the decision, these policies and statements were not specifically considered. However, the Council request that the Inspector now also consider the following policies and key statements when assessing this appeal,
 - Policy DMG1
 - Policy DMG2, and
 - Policy DMH3.
- 1.3. The key points of these Policies are summarised below, and are referenced to which reason for refusal they are considered to support.

POLICY DMG1 advises as follows,

In determining planning applications, all development must (amongst other things)

- *Be of a high standard of building design which considers the 8 Building in Context Principles (from the CABE/English Heritage Building on Context Toolkit),*
- *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 adequate privacy distances,*
- *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, and*
- *Not adversely affect the amenities of the surrounding area.*

This Policy is considered to support all three reasons for refusal, based on the dwellings proposed not being to a high standard of building design, the scheme not being sympathetic to existing and proposed land uses on the basis of the dwellings scale, massing and features, the impact on the amenities of the occupiers of the adjacent properties and the subsequent adverse visual impact on the character, setting and appearance of the locality to the visual detriment of the area.

POLICY DMG2 advises as follows,

Development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision.

Outside the settlement areas, development must meet at least one of the following considerations:

- *The development should be essential to the local economy or social well-being of the area,*
- *The development is needed for the purposes of forestry or agriculture,*
- *The development is for local needs housing which meets an identified need,*
- *The development is for small scale tourism or recreational developments appropriate to a rural area,*
- *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated*
- *The development is compatible with the EZ designation.*

Within the open countryside, it also advises that development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. In this instance, this Policy is considered to support the first and second reasons for refusal based on there being insufficient justification for the creation of the two dwellings on the site, in that it does not meet any of the considerations in DMG2, the fact the site not being considered to be in a sustainable location and the visual argument already highlighted under Policy DMG1.

POLICY DMH3 advises as follows,

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to,

- *Development essential for the purposes of agriculture or residential development which meets an identified local need, or*

- *The appropriate conversion of buildings to dwellings.*

It continues within the supporting text advising that 'The protection of the open countryside and designated landscape areas from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching core strategy vision.' In this instance, this Policy is considered to support the first and second reasons for refusal based on there being insufficient justification for the creation of the two dwellings on the site, in that it does not meet either of the criteria highlighted, the fact the site not being considered to be in a sustainable location and the visual argument already highlighted under Policy DMG1.

- 1.4. It is important however to note that the examination of the currently submitted Core Strategy 2008-2028 Regulation 22 Draft document is suspended for a period of six months from the 9th of January 2013. The reasons for this are set out in the correspondence between this Council and the Inspectorate that are sent with this letter. Despite this fact, these Policies are still considered to be material considerations as they provide a guide on the direction the Council wish to head in terms of development within the borough over the next 20 years, and as such some weight should be attached to them.

2. Local Housing Supply Update in relation to the NPPF

- 2.1 At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:
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 the policies in this framework taken as a whole; or*
 - *specific policies in this framework indicate development should be restricted.*
- 2.2 The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites. At the time of the decision made by the Local Planning Authority (September 2012), Ribble Valley could demonstrate a 5.82 year supply of housing against the Regional Spatial Strategy, however we could not demonstrate a five-year supply against the requirement contained within the Core Strategy.
- 2.3 Following recent Appeal decisions this methodology has been tested and was found by the Inspectorate to be inaccurate and that the Council could not demonstrate a 5 year supply of housing against either requirement. A report was presented to the Planning and Development Committee on the evening of the 17th of January 2013 outlining this in more detail, and a copy of this report is sent with this letter (Appendix I).
- 2.4 The report also includes a re-calculation of the current Five-Year Supply based on this new methodology (which includes a detailed adjustment for deliverability of the sites identified when measures against the previously adopted Regional Strategy figure), and as at 1 October 2012, Ribble Valley can demonstrate a

4.69 year supply of housing, including a 10% allowance for slippage and 20% buffer for previous years under delivery based on the emerging Core Strategy requirement.

- 2.5 The Council are mindful of the statement within the NPPF that advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, however it must be stressed that the NPPF only considers that the relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five-year supply of deliverable sites, and that NOT ALL policies are out of date (paragraph 49 of NPPF).
- 2.6 In terms of the saved Local Plan policies, in general terms the proposal site is outside any settlement boundary and is located in open countryside where development would be restricted. Saved (and up-to-date) Local Plan Policies G5 and H2 are therefore considered the most important policies against which to assess the scheme. Policy G5 notes that,
'Outside the main settlement boundaries and the village boundaries planning consent will only be granted for small scale developments which are,
i. Essential to the local economy or social well being of the area,
ii. Needed for the purposes of agriculture or forestry, or
iii. Sites developed for local needs housing.'
Policy H2 provides more specific advice for dwellings in the open countryside noting that,
'Outside the settlement boundaries residential development will be limited to:
 - *Development essential for the purposes of agriculture or forestry,*
 - *The appropriate conversion of buildings to dwellings, or*
 - *Residential development specifically intended to meet a proven local need.'*
- 2.7 Both policies recognise the need to protect the countryside from inappropriate development, and that the protection of attractive open countryside for its own sake is an important element of both the national and county planning policy. Despite the site being reasonably well related to existing dwellings, the site is in an isolated, predominantly rural and open location over a mile from the village of Simonstone and 1.5 miles from Sabden. It is surrounded on all sides by open land and has only the loosest association with nearby buildings, and neither can it be said to sustain rural communities, since there are limited services and shops in the village to support in any event. The village is also not readily accessible by foot from the site since it is necessary to traverse the steep Trapp Lane and pass down a meandering private access road. The site is therefore considered to be an unsustainable location, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development (paragraph 55). The proposal is also not considered to be essential to the local economy or social well being of the area, it is not essential for agricultural or forestry purposes and it does not meet an identified local need. Therefore by definition the proposal is also considered to be inappropriate development contrary to the relevant and up-to-date Local Planning Policies G5 and H2.

3. Comments on the Appellants submitted Grounds of Appeal

- 3.1 With regards to Ground 1 of the Appellants Statement, paragraph 214 of the NPPF states that 'For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.' The policies referred

to within the delegated report and within this statement letter were all saved on the 18th of September 2007 following a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. On this basis, the Appellant is incorrect in their assumption that the Local Plan is 'very significantly out of date'.

- 3.2 With regards to Ground 2, the letter sent to the Appellant provided guidance at an officer level only, at the time of writing (April 2012), and without prejudice to the final determination of any application submitted. The letter sent stated that 'It is arguable that, as the site is adjacent to a small cluster of buildings that it does not constitute isolated development, and thus a residential use could be acceptable on the site. However, I feel that the design and materials of the dwellings that you propose are unsuitable for such a rural location, and would be unlikely to receive planning permission.' As time has progressed since the introduction of the NPPF, the Council's viewpoints on such matters have been led by decisions made in the interim and by appeals for similar sites being dismissed at Appeal stage by the Inspectorate. On this basis, the Council remain confident that the site is not a sustainable location for new dwellings and that the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the limited benefits.
- 3.3 With regards to the arguments put forward in Grounds 3 and 4, the Council consider that the scheme fails the argument for the presumption in favour of development. The proposal fails this requirement because it is not appropriately located, being in an isolated position within the countryside, where travel to and from it would heavily rely on the use of the car. While there is an argument that the proposal may make use of a Brownfield site and contribute to local housing supply, this is not considered to amount to the special circumstances envisaged in the Framework.
- 3.4 With regards to Ground 5, the Council contest two elements of the Appellants views. As the site occupies a remote location in relation to any settlement, travel from the site to any shops, services and facilities would be heavily reliant on the private car. That would also be the case with the use of the site for holiday accommodation. However, it were in permanent residential use throughout the year, the number of car borne journeys would significantly increase, as occupiers would use vehicles for access to jobs and local facilities. Irrespective of the length or duration of such trips, approval of this site for residential development would be inconsistent with the underlying sustainability objectives of national guidance.
- 3.5 The second element of Ground 5 the Council wish to contest is the assumption that the Council could have negotiated on the scale, siting, materials or design of the proposal. Pre-application advice was given to the Appellant on the grounds of an assessment of the same dwellings put forward at application stage, and the advice given at the time was that the scheme was inappropriate. The Council felt no need to return to the Appellant to discuss a matter already covered at an earlier stage of the process. In any case, the approved (but now extant) holiday cottages were a conversion of the existing building on site, and therefore the visual impact upon the area would have been significantly less than the erection of two, detached, two storey dwellings on the site. The two developments could not be further from each other in visual impact terms.
- 3.6 With regards to Grounds 6, 7, 8 and 9, the Local Housing Supply Update within this letter and Appendix I cover the Council's up-to-date position on this matter.

The information supplied within the letter to the Appellant at Pre-App stage and within the Council's delegated report was correct at the time presented.

- 3.7 With regards to Ground 10, the circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that any site must still meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. In this case, the proposal fails this requirement because it is not appropriately located, being in an isolated position within the countryside, where travel to and from it would heavily rely on the use of the car, and based on the dwellings proposed not being to a high standard of building design, the scheme not being sympathetic to existing and proposed land uses on the basis of the dwellings scale, massing and features, the impact on the amenities of the occupiers of the adjacent properties and the subsequent adverse visual impact on the character, setting and appearance of the locality to the visual detriment of the area. Again, the arguments proposed by the Appellant do not amount to the special circumstances envisaged within the Framework.
- 3.8 With regards to Ground 11, the advice given within the pre-application letter was at officer level only, whereas the decision made on the subsequent planning application is the Council's decision. The Council do not share the Appellant's view.
- 3.9 With regards to Ground 12, the pre-application advice given in April 2012 highlighted the view that 'From the sketches submitted with the enquiry, the house types and design details would be wholly out of character with the rural nature of the area. The drawings depict houses that are entirely urban in character.' A simple change in materials would not automatically ensure that the scheme would be acceptable as the overall design and house type proposed remains inappropriate. The Council would not accept a condition only relating to details of the siting, design and external appearance being agreed in writing for two reasons. The Council do not feel this could control sufficiently the scale of development on site, a fact is supported by the proposed development being described as 'two-storey, four bedroom detached houses and garage block', and that the visual impact of any scheme on this site is vital when considering the principle of the development of the site, i.e. it would not accord with paragraph 14 of the NPPF, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Without a full visual assessment of the scale and landscaping proposed (along with the other matters above) for a scheme on site, there is no way of accurately considering the benefits of a scheme and its impacts.
- 3.10 With regards to Ground 13, given the elevated position of this site in relation to neighbouring properties and the fact that two-storey properties are now proposed, not the conversion of a single storey building, the Council consider the third reason for refusal to be valid.

Whilst the Appellant's case is seemingly based on the site being suitable and that the lack of a five years supply of housing automatically meaning that proposals for housing are approved, the Council remain firm in their opinion that this site proposed is considered to be in an unsustainable location, and the development of the site in principle would therefore not be in accordance with the NPPF presumption in favour of sustainable development (paragraph 55). The proposal is also not considered to be essential to the local economy or social well being of the area, it is not essential for agricultural or forestry purposes and it does not meet an identified local need, and therefore the adverse impacts of granting this appeal would significantly and demonstrably outweigh the benefits. Therefore by definition the proposal is considered to be inappropriate development and the Council remain unsupportive towards the principal of developing this site for housing and the Council respectfully request that the Inspector dismisses the appeal.

In the case that the Inspector be minded to approve the application, please see the suggested Conditions within Appendix II attached to this letter.

The Council look forward to receiving the Appellant's further comments, if they have any, in due course.

Yours sincerely,

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