



PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time we will not accept the appeal.

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MR P SNAITH and MR L SHAW

Organisation name (if applicable)

Address 5 HEATHER CLOSE
BRIERFIELD LANCASHIRE Postcode BB9 5HB

Daytime phone

Fax

I prefer to be contacted by Post Email *

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the
guidance leaflet.

Name ANTHONY M DONNELLY

Organisation name (if applicable) PENNINE PLANNING

Address 45 THE PENNINES, FULWOOD
PRESTON LANCASHIRE Postcode PR2 9GB

Your reference AD/SNA

Daytime phone 01772 712156

Fax

I prefer to be contacted by Post Email ✓ *

*Email address pennineplanning@yahoo.com



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA **RIBBLE VALLEY BOROUGH COUNCIL**LPA's application reference number **3/2012/0723 P**Date of the application **25/07/2012**

Did the LPA validate and register your application?

Yes ☒ NoDate of the LPA's decision notice (if issued) **04/10/2012****D. APPEAL SITE ADDRESS**

See section D of the guidance leaflet.

Address **SITE OF FORMER STABLE, TRAP? LANE,
SIMONSTONE LANCASHIRE**Postcode **BB12 7QW**

Note: Failure to provide the full postcode may delay the processing of your appeal.

Please answer the questions below:

1 Is the appeal site within a Green Belt?

Yes No ☒

2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet.

Yes No ☒**E. DESCRIPTION OF THE DEVELOPMENT**

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No ☒**DEMOLISH THE EXISTING STABLE BLOCK AND ERECT
2 NO. TWO-STOREY, FOUR BEDROOM DETACHED
HOUSES AND GARAGE BLOCK**

Area of the whole appeal site (i.e. the boundary) in hectares

Area of floor space of proposed development in square metres

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

1 Refused planning permission for the development described in Section E.

1 ☒

2 Granted planning permission for the development subject to conditions to which you object.

2

3 Refused approval of the matters reserved under an outline planning permission.

3

4 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.

4

5 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

5

Or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

6

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W ☒ *

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions and changes of use).

*

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No ☒
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes ☒ No

THE SITE IS SOMEWAY REMOVED AND CANNOT BE SEEN FROM A PUBLIC HIGHWAY

2 THE HEARING PROCEDURE

H ☒

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

☒

- a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No

+

3 THE INQUIRY PROCEDURE

I ☒

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

▲

- a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes No

H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No

PLEASE SEE ATTACHED

H. GROUNDS OF APPEAL (continued)

Please continue on a separate sheet if necessary.

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B ✓

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

MS. VICTORIA J. SLATER THE OLD STABLES, HIGHER TRAP
FARM, TRAPP LANE, SIMONSTONE
BURNLEY BB12 7QW

27.12.12

OR

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

C/D

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

Please tick **ONE** box only ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-7 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|-----|
| 1 | A copy of the original planning application sent to the LPA. | 1 ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA <u>at application stage</u> (these are usually part of the LPA's planning application form). | 2 ✓ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | 3 ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 ✓ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; height: 20px; width: 600px; margin-top: 5px;"></div> | 5 ✓ |
| 6 | Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; height: 20px; width: 600px; margin-top: 5px;"></div> | 6 |
| 7 | A copy of the design and access statement sent to the LPA (if required). | 7 ✓ |

You **must** send copies of the following, if appropriate:

- | | | |
|----|---|-------------------|
| 8 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA . Acceptance of these will be at the Inspector's discretion.
Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; height: 20px; width: 600px; margin-top: 5px;"></div> | 8 |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. | 9 |
| 10 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose:
a) the relevant outline application;
b) all plans sent at outline application stage;
c) the original outline planning permission. | 10a
10b
10c |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | 11 |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 12 |

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out.

- 1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge.
- 2 I have enclosed **all** the essential supporting documents listed in section J.
- 3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal).
- 4 I have signed and dated the form (unsigned forms will be returned to you).

Signature

Anthony McDonnelly

Date 27 12 12

Name
(in capitals)

ANTHONY MCDONNELLY

On behalf of
(if applicable)

MR P SNATH + MR L SHAW



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we RECEIVE your appeal form and ALL supporting documents within the time limit. See section M of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Initial Appeals
PO Box 3035
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 9FG

Helpline: 0117 372 6372

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

You may wish to keep a copy of
the completed appeal form for
your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

Appeal by Messrs P Snaith and L Shaw

Full Planning Application For The Erection of 2 No Detached Dwellings

On The Site of Former Stables, Trapp Lane, Simonstone

LPA Ref: 3/2012/0723

Addendum to Appeal Form: Section H Grounds Of Appeal

The Appeal Application

- 1.1 The planning application the subject of this appeal was submitted on 9th August 2012. The application, numbered 3/2012/0723, was refused on the 4th October 2012. The Council cited three reasons for refusal which are addressed later in this statement.
- 1.2 The first reason for refusal concerns the principle of development. The second two reasons are concerned with the details of the proposed dwellings, most particularly their design, size and scale.
- 1.3 The appellants are not professional developers and have little knowledge of the planning system. The intention is to provide a dwelling for each of the applicants and their respective families.
- 1.4 The appellants approached the planning application in the right way and undertook formal pre-application discussions with the Council's planning section. A fee was paid for this service and the Council provided a detailed advice note in the form of a letter dated 13th April 2012. A copy of this letter is attached as Appendix 1.
- 1.5 The content of the letter gives a significant measure of support for the principle of the proposed development, but criticises the particular sketch designs produced at the meeting.
- 1.6 On the basis of the advice provided by the Council, the appellants pursued the planning application, now the subject of this appeal with amended house designs which incorporated natural materials and traditional detailing.
- 1.7 The main part of the appeal site is owned by the appellants. The access lane is owned by Ms Victoria J Slater and notice has been served on her under Articles 11 and 32 of the TCP (Development Management Procedure) (England) Order 2010.

History of the Appeal Site

- 2.1 In 1997, planning permission was granted for a cattery, kennels, barn, stable block and outdoor arena (ref: 3/93/0365).
- 2.2 In 1996, planning permission was granted for the access lane to the appeal site (ref:3/93/0366).
- 2.3 In 2005, planning permission was granted for a change of use of livery building to

10 holiday cottages (ref:3/2005/0764).

- 2.4 In 2006, planning permission was granted for a change of use of livery building to 8 holiday cottages (ref: 3/2006/0412).

Grounds Of Appeal

Ground 1

- 3.1 There are a number of factors which support the appeal proposal and these are listed later in this statement. However it is submitted that some consideration needs to be given to the framework of decision making in circumstances where the Council's Local Plan is so out of date.
- 3.2 The Ribble Valley District Wide Local Plan (Local Plan) was adopted in June 1998. It was prepared to be in general conformity with the Lancashire Structure Plan 1991 – 2006. It is self evident from the title that this Structure Plan itself would have been time-expired some six years ago had it not been replaced by the Joint Lancashire Structure Plan 2001 – 2016 adopted by Lancashire County Council in 2005. The latter structure plan was itself replaced by the Regional Spatial Strategy for the North West (RSS) in September 2008.
- 3.3 The RSS itself is still remains part of the development plan.
- 3.4 It can be seen therefore that the Council's adopted Local Plan is very significantly out of date. As an example, the Local Plan contains, under Policy HL1, only two housing allocation sites which combined accounted for 42 dwellings. No further allocations of housing land have been made since 1998. Relevant local plan policies are attached as Appendix 2.
- 3.5 This assessment albeit for different reasons is confirmed in the Council's pre-application advice letter which says in terms:
'In the absence of a five year housing supply in the Borough it is arguable that the Council's current housing policies are out of date.'
- 3.6 On this basis the appellants submit that:
- much less weight can be placed on the section 38(6) 'presumption in favour of the development plan'; and
 - the fact that the Local Plan is so out of date that this itself represents a significant material consideration which argues in favour of the appeal proposal.

Ground 2

- 3.7 Paragraph 14 of the National Planning Policy Framework (NPPF) outlines the presumption in favour of sustainable development and indicates that where the relevant policies of the development plan are out of date, planning permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits of the development. (my emphasis)
- 3.8 It is suggested that this is the test that should be applied to a determination of this appeal.

- 3.9 It is of note that the Council's advice letter itself makes specific reference to this matter as background to agreeing that a residential use could be acceptable on the appeal site.

Ground 3

- 3.10 Paragraph 55 of the NPPF indicates that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances to justify this.
- 3.11 The appellant submits that a consideration of whether the appeal site is 'isolated' is relevant to this appeal. It is noted that there is no definition of 'isolated' provided in the NPPF.
- 3.12 In planning terms an 'isolated building' would be one whose siting occurs without influence from or relationship to, other buildings. It is submitted that this is clearly not the case in terms of the location of the appeal site. The appeal site is viewed in the immediate context the other buildings at Higher Trapp Hotel and those at Higher Trapp Farm.
- 3.14 Not only would the proposed dwellings be close to other buildings, but they would have a functional and visual relationship with the five existing dwellings and associated buildings located at Higher Trapp Farm. People travelling to the site would have to pass existing dwellings and other buildings in order to do so.
- 3.15 In a broader context, the appeal site is located close to the 20 or so existing dwellings located around Four Lane Ends (junction of Trapp Lane with Whins Lane).
- 3.16 On the basis of the above, it is submitted that the appeal site is not 'isolated' and this view appears to be supported by the Council's planning officers who in their advice letter draw particular attention to the fact that 'the proposed site is proximate to a cluster of buildings, and benefits from an existing access'.
- 3.17 The appellants note that this view is changed in the officers' delegated report on the planning application which states:
- 'It is considered that the reference to isolated houses appears to refer to housing outside settlements, as opposed to houses in an isolated context per se'.*
- 3.18 There is no justification at all for the assertion. Not only is there no justification, but the inference in the officers' report is that the obvious and simple meaning of 'isolated' should be abandoned in favour of a more complex and specific one; this in contradiction of the view taken in their own advice letter. A copy of the delegated item file report is attached as Appendix 3 .
- 3.19 It must remain a reasonable proposition that if the Minister for Planning had meant 'homes outside settlement boundaries' rather than 'isolated homes', he would have said that in the NPPF.

Ground 4

- 3.20 In any event, paragraph 55 indicates that even in isolated locations (which the appeal site is not) development would be acceptable 'where it would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.
- 3.21 Accepting that the appeal proposal is not to convert the existing buildings, it does provide for a comprehensive re-use of the site of the existing redundant and disused buildings. In planning terms there is very little, if any, difference in these concepts, given particularly that the existing stable buildings have no historic, intrinsic or heritage interest.
- 3.22 It is submitted that redevelopment of the site particularly with appropriate landscaping would engender an enhancement of the immediate setting.
- 3.23 The site is a previously developed site and this must add significantly to its sustainability value.

Ground 5

- 3.24 The Council has previously granted planning permission for a change of use of the stable building to 10 no holiday cottages in February 2006 (LA Ref: 3/2005/0764). A subsequent alternative planning permission was issued for 8 holiday lets in June 2006 (LA Ref: 3/2006/412). Neither these permissions were commenced and have as such expired. Copies of these decision notices are attached as Appendix 4.
- 3.25 The fact that the Council has previously accepted that the site is suitable for residential development (although not for permanent accommodation) must attest to its suitability for residential development in principle.
- 3.26 In considering the proposals for holiday cottages, the Council had regard to Local Plan Policy RT1 :

The Borough Council will approve development proposals which extend the range of tourism and visitor facilities in the Borough.

This is subject to the following criteria being met: (amongst others)

- ii) the proposal must be physically well related to an existing main settlement or village or to an existing group of buildings;**
 - iii) the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.**
- 3.27 Two conclusions can be drawn from these previous permissions. First of all, the Council must have been satisfied that the appeal site was 'physically well related to the existing group of buildings' at the time of that application since this was a requirement of Policy RT1.
- 3.28 The view at that time coincides with the view expressed in the Council's advice letter dated 13th April 2012.

- 3.29 Secondly, the Council must have been satisfied that the then proposed development would not undermine the character, quality or visual amenities of the plan area by virtue of scale, siting, materials or design.
- 3.30 The appeal proposal occupies identical siting and proposes high quality materials, including natural stone wall, heads, sills, mullions, jambs and quoins. The remaining matters, i.e. the scale and design of the proposed dwellings were matters which the Council could have negotiated on, if the submitted details were felt to be inappropriate, rather than refusing planning permission on those grounds.

Ground 6

- 3.31 The NPPF continues to lay emphasis on the need for local planning authorities to maintain a five year supply of housing land. Paragraph 47 of the NPPF indicates the Government's policy in this respect.
- 3.32 In particular, paragraph 47 says that 'where there has been a record of persistent under delivery of housing, local planning authorities should increase the (normal 5%) 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'.
- 3.33 In a report to its Planning and Development Committee at the end of May 2012 the Chief Executive reported on the five year supply position as at the 1st April 2012. The report included an appendix (Appendix 1) which shows the details of the five year requirement and supply calculations. A copy of the report is attached as Appendix 5.
- 3.34 The appendix shows that there has indeed been a persistent and significant under delivery of housing in Ribble Valley over the first nine years of the RSS period. In particular, the Council's document shows that only 131 dwellings per year have been completed on average over the period 2003 - 2012 instead of the required 161 dwellings per year.
- 3.35 On this basis the net five year housing requirement should have been increased from 955 to 1146 dwellings. Although the NPPF was published in March 2012, it appears that the Council has not included this element in its calculations.
- 3.36 If the Council has misdirected itself in this way, then it is a significant flaw because it means that the Council does not have a five year supply of housing land. The supply claimed by the Council would be just 4.3 years at best and not the 5.2 years which the Planning and Development Committee was advised.
- 3.37 It also means that the relevant references in the Council's Committee Report on the appeal application were incorrect.
- 3.38 It is noted that the officers' delegated report refers to a 5.82 year supply of housing land which itself contradicts the Chief Executive's report to the Planning and Development Committee. It is assumed that this is a typographical error and should read 5.2 year supply.

Ground 7

- 3.39 The Council's advice letter dated 13th April 2012 (paragraph 8) acknowledges in terms that the Council does not have a five year housing supply.

'In the absence of a five year supply in the Borough it is arguable that the Council's current housing policies are out of date, this would include the control of development outside of settlement boundaries.'

- 3.40 The advice letter does not specify whether this assessment is based on the RSS requirement figure or the Council's Core Strategy housing requirement figure which is referred to in the officers' delegated report on the planning application.
- 3.41 What is clear is that there is an apparent serious contradiction of fact between the initial advice letter (April 2012) and the decision on the planning application (October 2012) on a matter which informed the appellants' decision to proceed with the planning application.

Ground 8

- 3.42 Paragraph 47 of the NPPF also requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing.
- 3.43 It must remain the case that the more recent and higher housing requirement of 200 dwellings per year proposed to underpin the Council's Core Strategy referred to in the delegated report is based on more recent and local information and therefore reflects more closely the intentions of the NPPF as stated in paragraph 47. The Council itself acknowledges that it does not have a five year supply of housing land based on the more up-to- date Core Strategy figures.

Ground 9

- 3.44 The report to the Planning and Development Committee indicates that the supply of 'deliverable permissions' includes 208 affordable housing units which have not yet started.
- 3.45 There must be some significant doubt as to whether the majority of these will be completed within the remaining 4.5 years given the paucity of public subsidy available in the current economic climate.

Ground 10

- 3.46 Additional to its inability to demonstrate a five year supply of housing land, the Council cannot point to the situation being remedied in the short term. The delegated report indicates that the Council has not yet agreed a housing requirement figure for its emerging Core Strategy. Housing land allocations will only be made when the Housing and Economic Development DPD has been undertaken. The Council's own Local Development Scheme (October 2012) indicates that the latter DPD will not be completed until November 2014 at the earliest.

Ground 11

- 3.47 On a general but important point on the principle of development, the appellants are concerned at the contraposition of views exhibited by the Council's officers first of all in the advice letter of the 13th April 2012 and secondly in the delegated report in October 2012.
- 3.48 The contradictions between the two documents are not restricted to significantly varying interpretations of the policy context, but relate to matters of site assessment and the relationship of the proposed dwellings to the existing nearby dwellings and other buildings. The contradictions also relate to the factual matters of the Council's five year supply calculations.
- 3.49 It is submitted that the more candid and fairer assessment is that provided in the Council's initial advice letter.

Ground 12

- 3.50 With regard to reason for refusal 2, the appellants took the advice offered by Council officers and submitted designs which incorporated natural materials and traditional features.
- 3.51 The Council did not approach the appellants during the course of the determination of the planning application to seek amendments to the scheme.
- 3.52 The Inspector will make an assessment of the design issues during the site visit.
- 3.53 However, if the Inspector agrees with appellant on the principle of development, but agrees with the Council regarding the particular designs submitted, the appellants are willing to accept a condition to the effect that 'details of the siting, design and external appearance of the buildings and the landscaping of the site, shall be obtained from the local planning authority in writing before any development is commenced' i.e. that the application be treated as an outline application.
- 3.54 The land to the front of the proposed dwellings has a high potential to accept significant landscaping which would enable the visual appearance of the site to be enhanced. The earth bund to the rear of the proposed dwellings would help to hide and assimilate the proposed development into the landscape.

Ground 13

- 3.55 The third reason for refusal is completely refuted by the appellants. It is submitted that there would be no effect at all on the residential amenity of the occupiers of the nearby dwellings.
- 3.56 On the contrary, the amenities of neighbours would be much less affected by the proposed development than by the creation of 8 or 10 holiday homes. The Inspector will make an assessment of this matter on site.

Conclusions

4.1 On the basis of the above, the following conclusions are submitted.

1. The appellants approached the local planning authority for advice prior to submitting the application. The advice received appeared to indicate that the Council felt that the principle of development would be justified in policy terms.
2. The Local Plan is significantly out of date, having been prepared in conformity with a structure plan that has since been twice replaced. It contains no current land allocations and as such the Council relies entirely on windfall sites.
3. Little weight should be afforded to the Council's housing and settlement policies for this reason.
4. The NPPF test should be applied i.e. that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.
5. A number of clear environmental benefits would flow from development of this currently unattractive and unused previously developed site. Less traffic would be generated along Trapp Lane and there would be less disturbance to neighbours compared with a holiday homes development. The Council would have to allocate less greenfield land for housing to provide for its emerging Core Strategy.
6. The appeal site is not isolated and the proposed dwellings would form part of the group of existing dwellings. The appeal proposal does not conflict with NPPF policy. There are local services and facilities at Simonstone/Read. There is a primary school at the bottom of Trapp Lane.
7. In any event NPPF policy supports the housing development 'where it would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'. The appeal proposal would make good use of site of the existing building and would engender an enhancement of the setting.
8. The Council has previously granted planning permissions for up to 10 holiday homes on the appeal site. The Council considered at that time that the proposal must be physically well related to the existing group of buildings and dwellings, since this was a requirement of Policy RT 1 of the Local Plan.
9. Also, the Council must have considered that dwellings could be developed in principle which would not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.
10. The existing stable building has no intrinsic character or quality which would argue in planning terms in favour of conversion rather than replacement.
11. The NPPF continues to require local planning authorities to maintain a five year supply of housing land. Where there has been a persistent under

provision of housing, the requirement figure should be increased by 20%. The appellants' reading of the Council's own figures appears to point to a miscalculation of the housing requirement figure since it fails to take into account the 20% buffer.

Also the supply figures look suspect considering that they include over 200 affordable dwellings in a period where there is very little public subsidy available.

The fact that the Council cannot show an adequate future supply of deliverable housing land, have no land allocated for housing in its Local Plan, and are not close to completing its replacement land allocation plans (no Core Strategy housing requirement figure has yet been agreed and the Housing and Economic Development DPD is not programmed for completion until the end of 2014) all lend weight to the necessity of increasing the supply of housing in the Borough.

12. There are significant contradictions in the assessments exhibited firstly in the advice letter of the 13th April 2012 and secondly in the delegated report in October 2012. The two documents are not reconcilable. The appellants believe that the advice offered in the earlier letter represents the more candid, objective and fairer assessment in the circumstances of the case outlined above.
13. The appellants have followed the advice of the planning officer in producing the submitted housing designs. Previous decisions of the Council indicate that an appropriate design for residential development on the site is achievable.

If the Inspector considers that the submitted designs are not acceptable, then the appellants would be happy in the circumstances for the appeal proposal to be considered as an outline planning application.

14. It is submitted that there is absolutely no substance to the third reason for refusal.

- 4.2 The Inspector is respectfully asked to uphold the appeal for the reasons given above.

Appeal by Messrs P Snaith and L Shaw

Full Planning Application For The Erection of 2 No Detached Dwellings

On The Site of Former Stables, Trapp Lane, Simonstone

LPA Ref: 3/2012/0723

LIST OF APPENDICES

Appendix 1 : Council letter dated 13th April 2012

Appendix 2 : Relevant local plan policies

Appendix 3 : Delegated item file report

Appendix 4 : Decision Notice LA Ref: 3/2005/0764

Decision Notice LA Ref: 3/2006/0412

Appendix 5 : Planning and Development Committee Report May 2012