

PLANNING APPEAL FORM (Online Version)

To help you fill in this form correctly, please refer to the 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.

APPEAL REFERENCE: APP/T2350/A/13/2194601

A. APPELLANT DETAILS

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

Name The Huntroyde Estate/Clitheroe Auction Mart Co Ltd/Mr J Taylor; Ms Sarah HOWARD & MS CAMILLA HOWARD

Address c/o agent Phone no.

Fax no

Postcode E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post.

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Jane Dickman (The Huntroyde Estate/Clitheroe Auction Mart Co Ltd/Mr J TAYLOR & MS SARAH HOWARD & MS CAMILLA HOWARD)

Address PO Box 97 Dickman Associates Ltd Bolton Lincs Your reference DAL05/13

Phone no. 07946845438

Fax no.

Postcode BL1 9PT E-mail stadplan@btinternet.com

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Ribble Valley Borough Council

LPA's reference number 3/2012/0913

Date of the planning application 12 Oct 2012

Date of the LPA's decision (if issued) 15 Feb 2013

D. APPEAL SITE ADDRESS

Address land off
Waddington Road
Clitheroe
Lancs

Postcode BB7 2DE

Grid Reference: Easting 3738890

Northing 4422090

Is the appeal site within a Green Belt? YES NO

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? YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site
(in hectares)

9.2

Area of floor space of proposed development
(in square metres)

Has the description of the development changed from that stated on the application form?
YES NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Residential development and a creche

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick one box only

- 1 Refuse planning permission for the development described on the application form or in Section E.
- 2 Grant planning permission for the development subject to conditions to which you object.
- 3 Refuse approval of the matters reserved under an outline planning permission.
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

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

G. CHOICE OF PROCEDURE

There are 3 possible choices: - 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 _____

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 or 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? | YES | NO |

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE _____

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. 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 document why you think a hearing is necessary.

Please answer the question below.

- | | | |
|--|-----|----|
| a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. | YES | NO |
|--|-----|----|

3. THE INQUIRY PROCEDURE _____ ✓

This is the most formal of 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 in a separate document why you think an inquiry is necessary.

There will be a need for expert evidence to be given and for that evidence to be tested. The LPA say they have a 5 year housing land supply, we do not.
There has been substantial third party interest on a range of

Continued on Supplementary Sheet

- | | | |
|---|------------------|------|
| a) How long do you estimate the inquiry will last?
(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.) | No. of days | 3 |
| b) How many witnesses do you intend to call? | No. of witnesses | 3 |
| c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.
Please continue on a separate sheet if necessary. | YES | NO ✓ |

H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ✓ NO

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own 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 WHICH OF THE CERTIFICATES APPLIES.

If you are the sole owner of the whole appeal site, certificate A will apply: Please tick one box only ✓

CERTIFICATE 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 ✓

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one 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
N G Le Gendre Starkie	The Huntroyde Estate Office, Padiham, Lancs, B	12 Mar 2013
Mr F Coar	Fields Farm, Clitheroe Road, Waddington, Clitheroe	12 Mar 2013
Mrs M Coar	Fields Farm, Clitheroe Road, Waddington, Clitheroe	12 Mar 2013

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.

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

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

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

OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant:

(b)(ii) 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: ✓

Tenant's name	Address at which the notice was served	Date the notice was served
Frank Coar	Field Farm, Clitheroe Road, Waddington, Clitheroe	12 Mar 2013
Mary Coar	Field Farm, Clitheroe Road, Waddington, Clitheroe	12 Mar 2013

Details of additional tenants

J. ESSENTIAL SUPPORTING DOCUMENTS

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. | ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (this is usually part of the LPA's planning application form). | ✓ |
| 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. | ✓ |
| 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 two named roads 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. | ✓ |
| 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: | ✓ |
| 6 | Copies of all 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: | ✓ |
| 7 | A copy of the design and access statement sent to the LPA (if required) | ✓ |

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 .
Please number them clearly and list the numbers here or on a separate sheet: | |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. : | ✓ |
| 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. | |
| 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 original permission with the condition attached. | |
| 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). | |

K OTHER APPEALS

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.

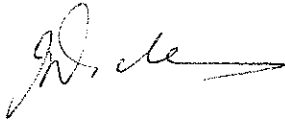
L CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not your appeal will not normally be accepted)*.

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature



Date 12 March 2013

Name (in capitals) Jane Dickman

On behalf of (if applicable) The Huntroyde Estate/Clitheroe Auction Mart Co Ltd/Mr J Taylor; Ms

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

- **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 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.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to appeals@pins.gsi.gov.uk. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/T2350/A/13/2194601

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

* The Documents Listed Below Were Uploaded With The Appeal Form *

===== GROUNDS OF APPEAL =====
TITLE: Grounds of Appeal 1
DESCRIPTION: Grounds of appeal
FILENAME: GROUNDS OF APPEAL final11.3.13.pdf

* The Documents Listed Below Will Follow By Post *

===== ESSENTIAL SUPPORTING DOCUMENTS =====
** 01. A copy of the original planning application sent to the LPA.
** 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
** 03. 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.
** 04. 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 two named roads so as to assist identifying the location of th
** 05. 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.
** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
** 06. 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).
** 07. A copy of the design and access statement sent to the LPA (if required).
** 09. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

SUPPLEMENTARY SHEET

Why it is essential for the Inspector to enter the site (continued)

issues in particular highways. Whilst LCC have no highway objection and nor does this appear as a reason for refusal third parties may raise it and thus we may need to call evidence on this issue

Between the main parties we consider the principle issues to be policy, housing land supply, prematurity and landscape/visual amenity.

**PLANNING APPEAL: WADDOW VIEW, LAND OFF WADDINGTON ROAD,
CLITHEROE, LANCS**

REASONS WHY AN INQUIRY IS NECESSARY

Our ref: DAL05/13
LPA ref: 3/2012/0913
PINS ref: APP/T2350/A/13/2194601

There will be a need for expert evidence to be given and for that evidence to be tested. The LPA say they have a 5 year housing land supply, we do not. There has been substantial third party interest on a range of issues in particular highways. Whilst LCC have no highway objection and nor does this appear as a reason for refusal, third parties may raise it and thus we may need to call evidence on this issue.

Between the main parties we consider the principle issues to be policy, housing land supply, prematurity and landscape/visual amenity.

JD/DAL12.3.13

CHARTERED TOWN PLANNER

Associated Planning Services Ltd
100-102, The Quadrant, Clitheroe, Lancashire, PO13 1JG
Tel: 01207 254545 Fax: 01207 254546 Email: enquiries@associatedplanning.co.uk

**GROUNDS OF APPEAL, WADDOW VIEW, LAND OFF WADDINGTON ROAD,
CLITHEROE**

**Our ref: DAL05/13
LPA ref: 3/2012/0913**

1. NPPF presumes in favour of sustainable development unless material considerations indicate otherwise. RVBC officer's report to committee concurs. The NPPF at Para 7 defines 'sustainable development' as having 3 dimensions economic, social and environmental. The crèche provide a community/social element to the scheme in a part of Clitheroe lacking such facilities. The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adopt to climate change.

Para 14 of NPPF says that where the development plan is absent (or emerging), silent or policies are out of date, permissions should be granted 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 where specific policies in this Framework indicates development should be restricted.

Any impacts on landscape character and amenity are considered can be mitigated and therefore would not demonstrably outweigh the benefits of a development deemed to be in a highly sustainable location.

NPPF is centred on a presumption in favour of sustainable development. The application site, whilst outside the town's development boundary, is not in a Green Belt designation, AONB or a SSSI and in landscape terms accords with the NPPF and is not prejudicial to the Core Strategy's emerging policies.

2. In accordance with ENV3 of the Ribble Valley Local Plan, a full landscape and visual assessment of the proposals based on the parameters of the development, is contained in the Design and Access Statement. This concludes that landscape and visual impacts will accrue but that appropriate measures will mitigate these issues so that they will be acceptable and the development can successfully be assimilated into the surrounding landscape.

In support of reaching this conclusion, it is proposed to retain existing trees and hedgerows where present along boundaries of the site, in order to minimise the visual impact.

Additionally, structural and informal planting both within and on the perimeter of the site and specifically where sensitive receptors have been identified, details of which would be submitted at a Reserve Matters stage.

It is not accepted that the development is an inappropriate urban extension which would change the character of this area of countryside to the detriment of visual amenities of the area. It will be demonstrated that the development will be an extension of the urban character and that visual amenity will be mitigated and could in the longer term be

CHARTERED TOWN PLANNER

1

beneficial in terms of improved footpath network and areas of open space provision. It is considered that due regard has been given to the site in landscape terms and any development will renew and enhance landscape features within it. Appropriate regard will be given to the characteristic landscape features of the area.

3. Policy DMG1 – Core Strategy Submission Draft seeks a sequential preference to the principles of mitigation hierarchy. It will be demonstrated that the environment will be enhanced in terms of biodiversity through the landscaper design of the proposed development and that any visual impact on amenity will be minimised and offset. Although at outline planning stage, it will be demonstrated that density, layout and relationship to the surroundings will be well considered, including any impact on landscape character and effects on landscape amenity. The importance of public open space will also be considered.

4. Policy DMG2 – Core Strategy Submission Draft requires that development proposals meet an identified need for housing in the Borough. In this regard the development is considered to be in keeping with the character of the adjoining townscape by virtue of its use of materials, landscaping and siting. Whilst the proposed development is outside the AONB, due regard will be made of the proximity of this designation and the views out the town from these areas. Similarly, the views of the surrounding countryside from both the existing town and the proposed residential areas are considered. In all respects, it is considered that there would be no lasting significant detriment to the views to or from the AONB.

5. Policy DME2 – Core Strategy Submission Draft requires that development does not significantly harm important or landscape features. Of the features listed, it is considered that no landscape features would be harmed by the proposed development. Of the hedgerows and hedgerow trees that would be lost they are outgrown, species poor and would be mitigated for by new planting. In considering mitigation for loss of trees and any visual impact the potential cumulative impacts of a new development will be considered where development has already taken place within the settlement boundary.

6. This site immediately abuts the settlement boundary and part of the site was identified in the 2009 SHLAA as suitable for development for housing in the 0-5 year time period (i.e. 2009-14). Clitheroe is the main settlement in RVBC area and the appeal site lies immediately adjacent to the Town Centre and in easy reach of the bus/rail interchange. It achieved a sustainability score of 78 out of 100 in the SHLAA. It is arguably the most sustainable site in Clitheroe, outside the settlement boundary even ahead of the Henthorn Rd site allowed on appeal last year (APP/12350/A/11/2161186) which was outside the settlement boundary and, the yet to be tested, Standen site which is shown as a strategic site in the emerging Core Strategy, but is now also the subject of an application (3/2012/0942) which has at the time of writing yet to be determined.

RVBC housing land supply figures have yet to be verified for deliverability. NPPF, paragraph 47 requires the identification of 20% headroom to a 5 year supply where a council has a persistent history of under delivery. The officer's report to committee states that RVBC do not currently have a 5 year supply of housing land. Furthermore the NPPF does not advocate resisting development once the 5 year supply of deliverable

sites is achieved. Also as already note the RVBC SHLAA (2009) identified this site as deliverable in the 0-5 year timeframe for supply.

RVBC have consistently failed to meet their housing targets over the last 5 years and this situation still prevails, despite some recent consents mainly following appeals (Milton - APP/T2350/A/12/2181354; Henthorn - APP/T2350/A/11/2161186 ; Barrow Brook - APP/T2350/A/12/2176977) they have still failed to maintain a 5 year supply of housing land such that in the Inspector's decision on land off Milton Avenue he commented thus:

'in my view, a housing requirement figure of 200 dpa is also the appropriate starting point in the case before me for quantifying the five year supply sought by the Framework.

The Council and the appellant agree that, on the basis of the 200 dpa identified above, with an adjustment to recoup the past under-delivery (2008-2012) over the remainder of the CS period (2012-2028), five years worth of the Council's housing requirement equates to 1150 dwellings or 230 dpa. However, the Framework indicates that, where the local planning authority has a record of persistent under delivery of housing, a buffer of 20% (moved forward from later in the plan period) should be added to the housing requirement. This would increase the housing requirement to 276 dpa, which is equivalent to 1,380 dwellings over five years.'

7. The reason for refusal also refers to policy G1 and G2 of the RVBC Districtwide Local Plan (RVDLP) and that the proposed development would have an adverse visual impact.

The RVDLP was adopted in 1998 and this is the most up to date adopted policy. In line with NPPF given its age therefore it should have little or no weight compared to NPPF the most recent National guidance. RVBC have commenced their Core Strategy (CS) and even submitted it last autumn to the Inspectorate only to be told in December 2012 to either withdraw it or establish an up to date and robust evidence base. They chose the latter and are currently seeking sites through an update to the 2008 SHLAA and further consultations will need to follow before the CS can be resubmitted for EiP. Thus reason for refusal two which implies prematurity relative to the CS also indicates a deliberate delaying of decision making on a site which is NPPF compliant and would go a significant way to addressing the HLS for RVBC in the 0-5 year time period.

The application was made in outline with everything except means of access reserved. An indicative masterplan layout was included which shows a scheme of 345 dwellings on a 9.2ha site – thus it is a scheme of appropriate density (approx. 37 dpha) and with a mix of detached, semi detached and townhouses in line with points (a) and (e) of policy G1 being sympathetic in terms of size, density, layout, materials, intensity and nature to existing and proposed land uses.

In landscape terms, there is no direct conflict with policy G1 - Ribble Valley Local Plan.

It is considered and will be demonstrated that the proposed development will not adversely affect the amenities (visual and landscape) of the surrounding area. Materials for both built form and landscape features will be sympathetic to the area and the development would not damage any SSSI's, County Heritage Sites, Local Nature

Reserves or any other sites of nature conservation importance. The existing water course on the site will be maintained in a wide landscape corridor of native vegetation.

Ribble Valley's policy statement cites that the Council will weigh the economic benefits arising from development against environmental impact when making decisions. This includes the level of provision of Public Open Space in the area. Public access will be available through the development to a large tract of open space which is not currently available to the towns people of Clitheroe. In addition, the public right of way will be maintained and will be demonstrated that it will be within a good landscape amenity corridor.

8. It is accepted that the development is outside the settlement boundary of Clitheroe. However, it is considered that the development is appropriate to the town's size and structure and forms a natural 'rounding off' on this side of the town.

Policy G2 of the RVDLP directs development to within the main settlements and says the following scale of development will be approved which in the case of Clitheroe, is defined as:-

'consolidation and expansion of development and rounding off development. In all cases this must be on sites wholly within the settlement boundary and must be appropriate to the town's size and form.'

The settlement boundary is tightly drawn in the RVDLP, which is over 18 years old and thus not up to date as per NPPF, therefore to accommodate the housing numbers required even at 200dpa, will need to be revised. The submitted CS has been put on hold for background documents to be updated, as already explained. At the time of writing the SHLAA consultation update is out for public feedback and the time period for those representations to be made has been extended by 3 weeks. This will therefore likely delay the CS EiP and thus the likelihood of adoption of the CS is further delayed leaving RVBC in a policy vacuum and reliant on meeting the criteria in paras 7, 14 and 47 of NPPF as previously stated.

The proposal would provide a rounding off and balancing of the development form of Clitheroe thus whilst currently outside the settlement boundary in the adopted plan, which is 15 years old, it is adjacent to the town's main services, facilities and public transport hub and closer than other sites being tabled whether within or outwith the settlement boundary of Clitheroe. It is therefore highly NPPF compliant.

It does not significantly increase the views of the town when viewed from the north or from the town's viewpoints and is visually linked to the urban form. The development forms a natural link with other land uses outside the settlement, specifically the cemetery and the proposed extension and follows the lines of residential curtilage where it adjoins the main settlement.

Although not referred to in the reason for refusal but referred to in the officer's report to committee, another relevant Local Plan policy – G5 relates to settlement strategy. Indeed the officer's report states it recognises the settlement strategy in the RVDLP is out of date in relation to both settlement boundaries and development constraints. RVBC area outside the main settlements is largely rural with The Forest of Bowland AONB to

