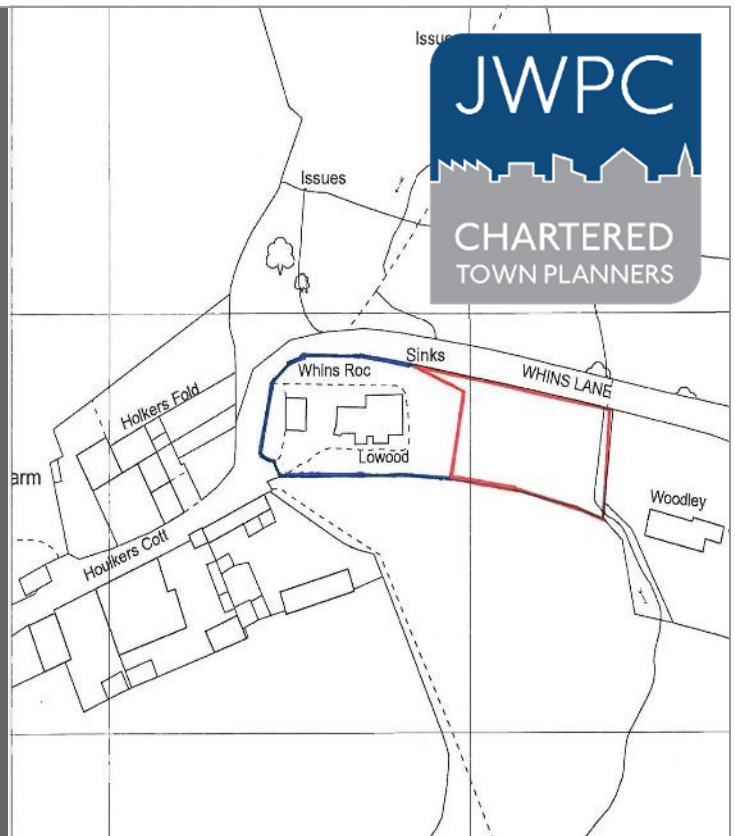


Land adjacent to Lowood Whins Lane Read

Outline Application for the Erection of 2 No. Dwellings with Access (All Other Matters Reserved)



Client:
Robert Edmond

Planning

Support

Statement

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Appendix 2: Copy of the Court of Appeal judgment Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council (2015).

Appendix 3: Copy of the Decision Letter for Appeal Ref: APP/T2350/W/16/3164118 - 30 Barker Lane, Blackburn (2017).

Appendix 4: Copies of the Decision Notice, Delegated Report and Site Location Plan for Planning Permission Ref: 3/2014/0751/P (2015) and the Decision Notice and Site Location Plan for Planning Permission Ref: 3/2013/0513/P (2013) – 8 Hammond Drive, Read (2015).

1. Introduction

1.1 This Statement has been prepared in support of an outline planning application for the erection of 2 no. dwellings to the land adjacent to Lowood, Whins Lane, Read. The application follows a formal pre-application enquiry in 2015 (LPA Ref: RV/2015/ENQ/00011).

1.2 The following chapters provide a review of the site characteristics and proposed development, before justifying the proposal in light of policies contained within the Development Plan, the National Planning Policy Framework (NPPF) and any other material considerations. This statement should be considered alongside the following plans and reports, which have also been submitted in addition to the requisite application forms and OS Site Location Plan:

- Full set of Existing and Proposed Plans by Sunderland Peacock & Associates;
- Tree Report by Yew Tree & Gardens;
- Landscape and Visual Assessment by Yew Tree and Gardens; and
- Flood Risk Assessment by The Flood Risk Consultancy Ltd.

1.3 Bearing in mind the Local Planning Authority's (LPA) duty under Paragraph 187 of the NPPF, it is requested that the Agents (JWPC Ltd) are contacted in the first instance if any further information is required to enable a positive determination.

2. Site Characteristics

2.1 The planning application site forms part of the large residential curtilage of Lowood, an existing dwelling situated to the south of Whins Lane, Read. The site location plan demonstrates it is one of a number of residential units along this stretch of the highway, including Woodley and Houlikers Cott to the east and west respectively. Beyond Whins Lane to the north is a forested area and to the south of the planning application site is open land.

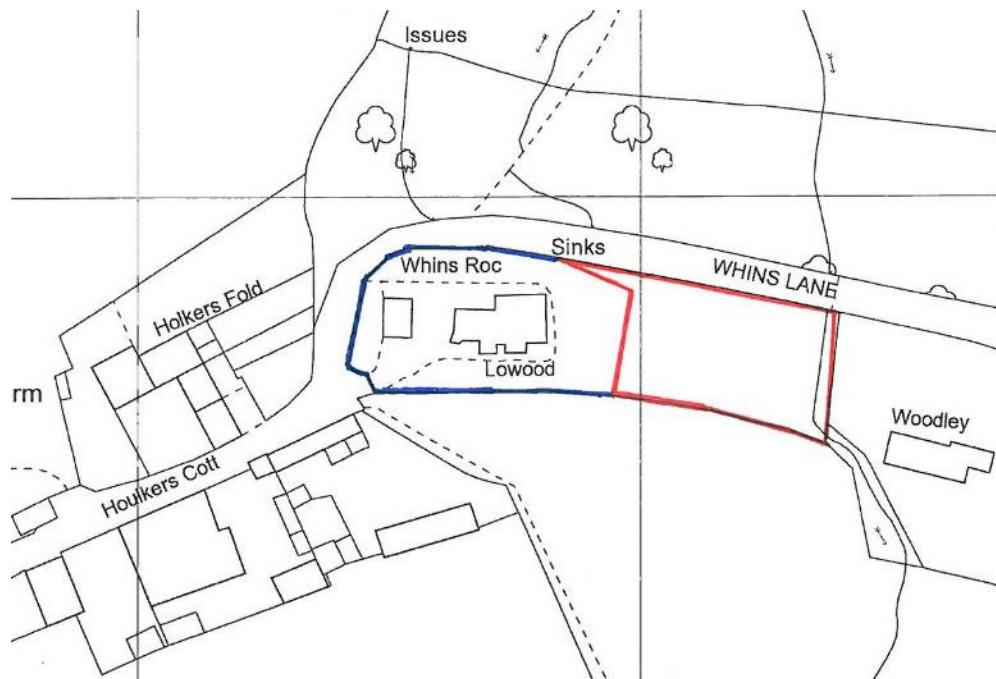


Figure 1: Extract from the Site Location Plan

2.2 The topography of the land slopes downwards from north to south, as well as east to west. As such, the planning application site is at a lower level than the existing dwelling at Lowood, which is supported by a number of retaining walls. Although technically a bungalow, this gives the existing property the appearance of a two storey dwelling from receptors to the south and east. Nevertheless, as the topography continues to rise beyond the site to the north, the dwelling and in particular the planning application site is nestled into the landscape.

2.3 A small unnamed tributary exists towards the eastern boundary of the proposal site, flowing from north-to south. Towards the north, the watercourse exits a culvert beneath Whins Lane. The watercourse continues through the open land to the south and eventually towards Whalley Road (the A671). Further information is provided within the Flood Risk Assessment submitted alongside the planning application.

2.4 The submitted Tree Report shows how a number of existing trees are located to the north and south of the property at Lowood, as well as to the north-east and south-east corner of the planning application site. Whilst this Report should be considered in full, there are no significant individual trees located within the central areas of the site. A grouping of cupressocyparis leylandii exists along the southern boundary, which have served a function of adding a degree of privacy to the residential curtilage from the open land beyond it, although these are not considered to have a wider amenity value.

2.5 In terms of the site’s relationship with Read, Whins Lane connects with Straits Lane and George Lane to the east and west respectively, which in turn lead towards Whalley Road (the A671) in the south. A public footpath also connects Holkers Farm to the east of Lowood with Straits Lane. The village boasts a range of local shops, services and amenities, which are detailed in the below table in terms of their walking distance from the planning application site.

SERVICE OR FACILITY	WALKING DISTANCE FROM PROPOSAL SITE
ST JOHN’S CE PRIMARY SCHOOL	7 minutes
BUS STOPS (M2 SERVICE)	8 minutes
SPAR CONVENIENCE RETAIL STORE	9 minutes
PHARMACY	9 minutes
CRICKET AND BOWLING CLUB	8 minutes
OFF LICENCE	9 minutes
LAUNDERETTE	9 minutes
BAKERY	8 minutes
CHINESE TAKEAWAY	9 minutes
STORK HOTEL PUBLIC HOUSE	11 minutes

2.6 Read benefits from good connectivity with public transport, with the M2 bus (Clitheroe – Whalley – Read – Padiham – Burnley – Brierfield – Nelson – Colne) running frequently through Whalley Road (the A671) every half-hour. This easily accessible service connects Read with the nearby settlements of Whalley (3 miles) and Padiham (2 miles), which have a range of services including libraries, supermarkets and secondary schools. Although outside of the Borough, the proximity of Read to the services and amenities in Padiham (within the Borough of Burnley) is an important consideration.

3. Application Proposal

3.1 The current application seeks outline consent for the erection of two dwellings, with access from Whins Lane. All other matters are reserved for future consideration.

3.2 An 'Indicative' site layout has been submitted to demonstrate how the proposed development could be achieved, with two detached dwellings, both with gardens and parking for two vehicles. A shared access point will be created with minimum sight-lines of 43m in either direction, as requested by the Highways Authority as part of the LPA's pre-application response (Ref: RV/2015/ENQ/00011). A copy of the response letter is contained at Appendix 1 for the LPA and Highways Authority's reference.

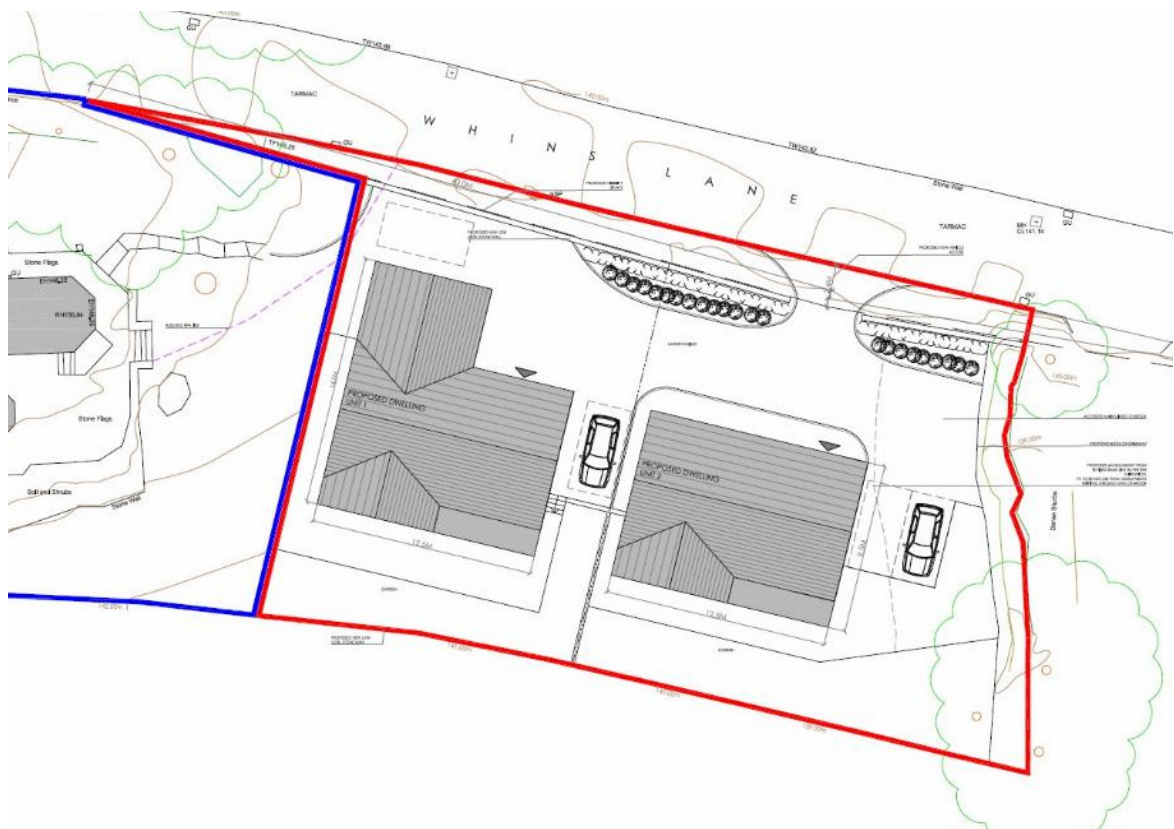


Figure 2: Extract from the Indicative Proposed Layout Plan

3.3 The submitted plans have taken into account the recommendations of the Flood Risk Assessment and the Tree Report. As such, finished floor levels of the dwellings will be set no less than 150mm above the existing ground level, buildings are located at least 6m from the banks of the tributary to the east of the site and no building work is shown within the root protection areas of trees.

3.4 Having taken the advice of the Landscape and Visual consultant in the design stage, the position of the dwellings also takes into account the topography across the site. The proposed dwellings are consequently nestled into an existing drop in the landscape. It is possible for the proposed dwellings to benefit from two storeys, whilst keeping the height to ridge and eaves less than those of Lowood.

4. Planning Policy

4.1 Under the 2004 Planning and Compulsory Purchase Act, planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Read consists of the adopted Ribble Valley Core Strategy and the Ribble Valley Districtwide Local Plan. In addition to these documents, this Chapter will consider also the relevance of emerging local policy and national policy contained within the National Planning Policy Framework (NPPF).

Ribble Valley Core Strategy (2014)

4.2 Key Statement DS1 sets the general development strategy for the Borough. Whilst it seeks to direct the majority of the housing requirement to the strategic site at Standen, it states that development will be focused towards the Tier 1 Villages, which are the most sustainable of 32 defined settlements in the Ribble Valley. These include Read and Simonstone.

4.3 The accompanying table at 4.12 of the Core Strategy sets minimum targets for new dwellings within the Borough's settlements. For Read and Simonstone, this sets a minimum target for the delivery of 45 new homes over the plan period.

4.4 Through Key Statement DS2, the Council commits itself to carrying forward a positive approach towards development which reflects the 'presumption in favour of sustainable development' contained within the NPPF. It states that planning applications that accord with the policies of the Development Plan will be approved without delay.

4.5 Key Statement H1 sets out the housing provision target over the plan period (2008 to 2028) of 5,600 dwellings at an annual average of '280 dwellings per year'.

4.6 Policy DMG1 requires all developments to meet a number of criteria including (inter alia):

- Have a high standard of design;
- Be sympathetic to existing and proposed land uses;
- Be acceptable in traffic, access and parking terms;
- Be acceptable in terms of day-lighting and privacy;
- Be acceptable in terms of the natural and built environment;
- Achieve efficient use of land and buildings;

- Show consideration of the layout, density and relationship between buildings.

4.7 Policy DMG2 states that development proposals within Tier 1 Settlements such as Read and Simonstone should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. Within the Open Countryside, development is required to be in keeping with the character of the landscape and to acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. The Policy states for the purpose of clarity that the term 'settlement' is defined in the glossary and current settlement boundaries will be updated in subsequent Development Plan Documents.

4.8 The Core Strategy Glossary definition of 'settlement' redirects to 'defined settlement', which is defined as 'one which contains at least 20 dwellings and a shop or public house or place of worship or school or village hall, i.e. they are a size and form that justifies treatment as a settlement. It continues, stating that settlement boundaries will include all properties physically linked to the main (built) part of the settlement.

4.9 Policy DMH3 concerns dwellings in the open countryside and states that residential development will be limited to identified local needs housing, conversions or replacement dwellings. Reasoned justification to this policy states 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"*.

The Ribble Valley Districtwide Local Plan (1998)

4.10 The Ribble Valley Districtwide Local Plan was adopted in 1998 and under the Proposals Map, shows the site lying outside of the Settlement Boundary for Read and Simonstone, within the Open Countryside. However, since the publication of the NPPF in 2012, Ribble Valley Borough Council have recognised that the settlement boundaries within this document are no longer relevant policies with which to constrain development in established settlements.

The Emerging Housing and Economic Development DPD

4.11 Consultation of the Submission Version of the Council's Housing and Economic DPD ended on 11th September 2017. In addition to proposing a number of land allocations across a limited number of

settlements within the district, this includes a Proposals Map, which will eventually replace that associated with the now out-of-stade map for the Districtwide Local Plan.

- 4.12 The draft Proposals Map shows the planning application site to be outside of the draft settlement boundary for Read and Simonstone. It does however also show how Whins Lane connects with both Straits Lane and George Lane, with continuous existing development either side of Whins Lane.
- 4.13 The emerging Housing and Economic Development DPD has yet to be subject to examination in public and it is anticipated that a number of substantial unresolved objections to the DPD will be discussed during the eventual Hearings. It is well-established under planning case law that as an emerging DPD, this document can be attributed only limited weight in the determination of planning applications. Moreover, it is understood that a number of outstanding objections in relation to settlement boundaries are yet to be addressed.

National Planning Policy Framework (NPPF)

- 4.14 The NPPF reminds local authorities that planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, and that ‘for the avoidance of doubt’ the NPPF itself is a material consideration in planning decisions.
- 4.15 At the heart of the NPPF is a presumption in favour of sustainable development, which directs Council’s to be positive about growth. Planning decisions that accord with the Development Plan should be approved ‘without delay’.
- 4.16 Para 7 of the NPPF details how the Government considers that there are three dimensions to sustainable development: economic, social and environmental. At Para 8 it is set out how these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 4.11 Para 17 of the NPPF sets out 12 core land-use planning principles that underpin plan-making and decision-taking. Amongst others it includes the following:
- Planning should not simply be about scrutiny but *‘instead be a creative exercise in finding ways to enhance and improve places’*;

- Proactively drive and support sustainable economic development to deliver homes, business and industrial units... and thriving local places that the country needs. Plans should take account of market signals and take account of the needs of the residential and business communities;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Consider the different roles and characters of areas, including promoting vitality of our main urban areas; and
- Manage growth to make the best use of public transport and other non-car modes.

4.17 The document makes it abundantly clear that the Government ‘is committed to ensuring that the planning system does everything it can to support sustainable economic growth’. It also states that ‘significant weight should be placed on the need to support economic growth through the planning system’ (Para 18).

4.18 Para 32 of the NPPF makes clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.19 Meeting housing development needs is seen as a key principle of good planning, and providing new homes is paramount to proactively driving and supporting sustainable economic development. In this context, Para 47 of the NPPF guides local planning authorities to ‘boost significantly the supply of housing’ by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements, with an additional buffer (of 5% or 20%¹) to ensure choice and competition in the market for land.

4.20 In meeting housing requirements, the NPPF states at Para 55 that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in

¹ Buffer should be increased to 20% where there is a record of persistent under-delivery of housing.

one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

- 4.21 Under Para 56, the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5. Other Material Considerations

- 5.1 This Chapter refers to a Court of Appeal Decision and an Appeal Decision, which focus on land outside of defined settlement boundaries. As interpretations of prevailing policy taken at a higher level than the LPA, these must be attributed significant material weight in the determination of planning applications. Reference is also made to the assessment of housing developments within Read, located a similar distance from the settlement boundaries for the village, as set out within the Ribble Valley Districtwide Local Plan and emerging Housing and Economic Development DPD.

Court of Appeal Judgment *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council* (2015)

- 5.2 A copy of the Court of Appeal judgment *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council* [2015] is contained at Appendix 2 of this Statement.
- 5.3 In *Julian Wood* an appeal had been made against the refusal of planning permission for a single dwelling on a site which lay in the Green Belt but was surrounded by existing development. The court considered that the main issue was the interpretation of Para 89 of the NPPF which provides that “*limited infilling in villages*” is an exception to the general rule that the construction of new buildings is inappropriate in the green belt. The court ruled that the policy required the decision-maker to consider whether, as a matter of fact on the ground, the site appeared to be in the village.
- 5.4 The court found that the fact that the site lay outside the village boundary as designated in the development plan was not determinative; the Inspector had misdirected himself as to the proper meaning of Para 89 in limiting himself to considering whether the proposal was within the designated village boundary.
- 5.5 Whilst the current planning application site is not within the Green Belt, the implications of the judgement are clear, that the term “village” is not necessarily the same as a settlement boundary. As such, there is a need to exercise planning judgement to establish whether a site forms part of a village. There is no justification for the refusal of an application, just because it is beyond a settlement boundary.

Appeal Ref: APP/T2350/W/16/3164118 - 30 Barker Lane, Blackburn, BB2 7ED (2017)

- 5.6 A copy of the Appeal Decision Letter for the above appeal is contained at Appendix 3 of this Statement. The proposal at Barker Lane related to the proposed erection of two detached houses, positioned amongst a cluster of residential development which connected with Blackburn. Amongst the Reasons for Refusal, Ribble Valley Borough Council stated that:

The proposed residential development of this site is contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy. Approval of this application would lead to the erection of an additional dwelling within the open countryside without sufficient justification which would cause harm to the development strategy of the borough as set out in the Core Strategy, leading to unsustainable development.

The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals for residential developments outside settlement boundaries, and within the Green Belt, without sufficient justification. This would have an adverse impact on the implementation of planning policies within the Council's Core Strategy and would be contrary to the interests of the proper planning of the area in accordance with the core principles and policies of the NPPF.

- 5.7 The Appeal was Allowed and within the Decision Letter, the Inspector draws a number of important conclusions which have direct relevance to the current proposal.
- 5.8 At Para 5, the Inspector clarifies that where there are dwellings located on either side of a planning application site, it should be considered an infill plot.
- 5.9 At Para 8, the Inspector refers to the implications of *Julian Wood*, emphasising the above interpretation of the Court of Appeal Decision that the term 'village' need not be the same as the settlement boundary, depending on the situation 'on the ground'. The Inspector confirms that in the *Julian Wood* case, the site was surrounded on all sides by housing, but was not within the settlement boundary. The Court found that the site was part of the village, even though it was outside of a settlement boundary designated through the Development Plan.
- 5.10 Under Paragraph 16, the Inspector sets out how Ribble Valley Borough Council is currently reviewing settlement boundaries as part of the emerging Housing and Economic Development DPD. However,

since these boundaries have not been adopted and, because there are outstanding objections to them, only limited material weight can be attributed to the DPD and its accompanying proposals map.

Planning Applications at Hammond Drive, Read

- 5.11 It is also necessary to remind the LPA of their assessment of a number of other planning applications for residential development. Under LPA Refs: 3/2013/0513/P (2013) and 3/2014/0751/P, (2015) full planning permission was granted for the erection of three dwellings within the curtilage of 8 Hammond Drive, Read. The site is considered to be very similar to the Lowood in terms of assessing the principle of development, being located outside the settlement boundary for Read under the Districtwide Local Plan but amongst a string of development following a highway. They are identified on the below extract from the Districtwide Local Plan Map.

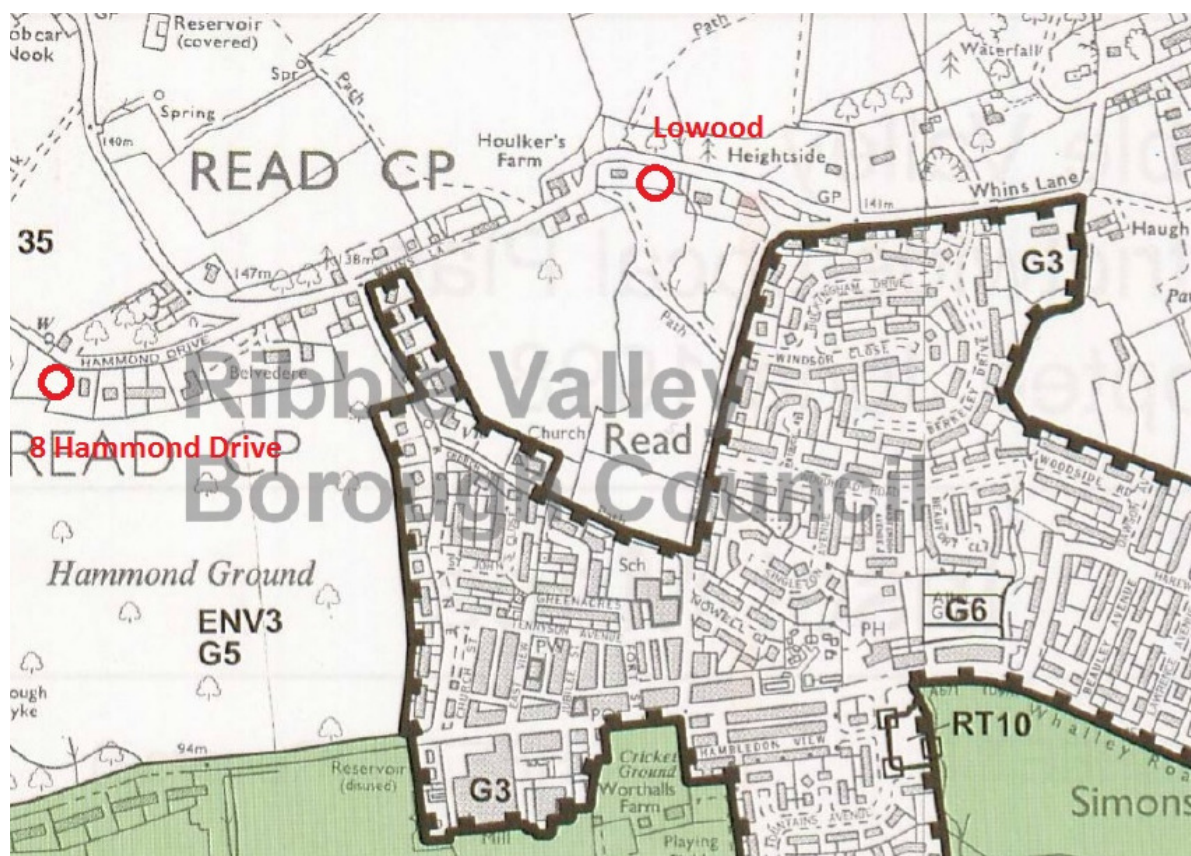


Figure 3: Extract from the Districtwide Local Plan Map showing Lowood and 8 Hammond Drive in relation to the Settlement Boundary for Read

- 5.12 Copies of the respective Decision Notices, Site Location Plans are contained at Appendix 4 of this Statement, together with the Delegated Report for the latter of these planning permissions. Whilst it is not necessary to repeat all of these here, the below extract from the Delegated Report prepared for 3/2014/0751/P is considered to be of particular relevance:

In the determination of the previous application, the reference to isolated development was considered within the context of the stated requirement for the development to enhance or maintain the vitality of rural communities. In this regard (although obviously accepting that the site was outside the settlement boundary of Read/Simonstone, Policy G3 of the former Local Plan was considered at that time to provide some relevant context. That former Policy stated that within Read/Simonstone (and also Mellor Brook) planning permission will be granted for the development and re-development of land wholly within the settlement boundary not defined as essential open space. In the explanatory text to the former Policy it was stated that “these villages are considered the most suitable to accommodate modest development. This is by virtue of the facilities already existing within the villages.” Read/Simonstone was therefore effectively identified in the former Local Plan as a sustainable location for new development. Although not within the settlement boundary of the historic Local Plan, the Council contended in relation to the previous application that the site formed part of a group of existing dwellings as there are dwellings to the north and east of the site. The occupiers of these existing dwellings (and the 2 proposed dwellings in the event of permission being granted for the previous proposal) were considered to contribute as much towards enhancing and maintaining existing local facilities as the residents of dwellings within the settlement boundary. Consideration was given to the fact that dwellings within the settlement boundary at the northern end of George Lane are only approximately 320m away from the previous application site.

To amplify the Council’s contention that the site was in a sustainable location, reference was made in the previous delegated item file report to the existing facilities within the settlement of Read/Simonstone which is situated on the A671 Whalley Road that links to the larger settlements, with a larger range of facilities, of Whalley and Padiham. It was also stated that Whalley station gives access to the wider rail network and junction 8 of the M65 (approximately 3 miles from the previous application site) to the wider motorway network. Finally it was commented that a bus route between Clitheroe and Burnley passes through Read/Simonstone. For these reasons the two dwellings proposed in application 3/2013/0513/P were considered, within the policy context at that time, to represent sustainable development in the locational sense such that, in that regard, the development was considered to be acceptable in principle. That previous application was also considered to be acceptable in relation to all of the more specific detailed considerations. Permission was therefore granted on 17 October 2013 subject to appropriate conditions.

- 5.13 There is a clear recognition that even though the site was outside of the settlement boundary set within the Districtwide Local Plan, the site cannot be considered ‘isolated’ in context of Para 55 of the

NPPF, since the site is located where will help to enhance or maintain the vitality of the rural community. There is also an acknowledgement of the site's position in relation to local services and the village's excellent connectivity with nearby settlements including Whalley and Padiham.

- 5.14 As established above, only very limited weight can be attributed to the emerging Housing and Economic Development DPD. The LPA's positive assessment of the principle of development at 8 Hammond Drive consequently represents an important material consideration in terms of establishing whether the current application site forms part of the village of Read and the suitability of development outside of proposed settlement boundaries, which are unchanged from those within the Districtwide Local Plan in this part of Read.

6. Planning Assessment

Principle of Development

- 6.1 The planning application site is an infill plot, situated between existing residential developments to the north of Read. In this location there is a clear continuation of the built form along Whins Lane, which connects with George Lane and Straits Lane. The LPA agrees within their pre-application response letter (Ref: RV/2015/ENQ/00011) that the site is not 'isolated', yet it goes on to state that a proposed residential development in this location is contrary to Key Statement DS1 and Policy DMG2 and DMH3 of the Core Strategy because it is outside of the designated settlement.
- 6.2 JWPC contest the LPA's conclusions regarding the principle of development within the pre-application response, noting that that the Settlement Boundary for Read within the Districtwide Local Plan Proposals Map (1998) is well-established as being out-of-date due to its age. This is acknowledged within the LPA's Delegated Reports for LPA Refs: 3/2013/0513/P and 3/2014/0751/P at 8 Hammond Drive, Read. Moreover, the Inspector, in the Decision Letter for Appeal Ref: APP/T2350/W/16/3164118 (30 Barker Lane, Blackburn) very recently clarified that the settlement boundaries within the emerging Housing and Economic Development DPD can only be attributed very limited material weight in the determination of planning applications – being unadopted and with unresolved objections that need to be addressed through the Examination in Public.
- 6.3 The *Julian Wood* Court of Appeal judgement (copy at Appendix 2) supports our position that a location which is outside of a settlement boundary does not also mean it is not part of the village. So does the Inspector's reference to the implications of this judgement within Appeal Ref: APP/T2350/W/16/3164118 (30 Barker Lane). The LPA must consequently exercise sound planning judgement and Chapter 2 of this Statement justifies how the current planning application site is well related to Read, which as a Tier 1 Settlement, benefits from a good provision of local services and excellent connectivity with neighbouring settlements. Development in this location would undoubtedly form part of the 'village' and help maintain the vitality of the rural community. The proposed development thus complies with Para 55 of the NPPF – which is a significant material consideration in favour of the application given that such limited weight can be attributed to existing and emerging settlement boundaries. For the LPA to maintain this view, their assessment would also be inconsistent with other decisions taken in similar locations within the village – principally at 8 Hammond Drive.

- 6.4 Turning to the adopted Core Strategy, it is important to consider how exact wording of Key Statement DS1 states that “*development will be focused towards the Tier 1 Villages*” [our emphasis]. The Key Statement does not consequently preclude new residential development outside of the settlement boundaries, even following the adoption of the emerging Housing and Economic Development DPD. The Key Statement must have been written taking into account Paragraph 55 of the NPPF and the acknowledgement that new development that is well-related to existing settlements can help to enhance and maintain the rural community.
- 6.5 Whilst the table at 4.12 of the Core Strategy sets minimum targets for new dwellings within the Borough’s settlements. JWPC are also confident that the delivery target of 45 new homes within Read and Simonstone over the plan period has not yet been achieved. The grant of planning permission for two dwellings does not undermine the aims of the Development Plan and should be supported.
- 6.6 Policy DMG2 states that development proposals within Tier 1 Settlements such as Read and Simonstone should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. As established above, the planning application site is an infill plot that by virtue of its physical and social links to the main built up area will consolidate the settlement and forms part of the village. The current application therefore clearly meets Part 1 of the Policy.
- 6.7 Due to the very limited weight that can be attributed to the emerging Housing and Economic Development Plan DPD the LPA has no justification for strictly applying Part 2 of Policy DMG2, which partly relates to development outside of the ‘defined settlement areas’. There is clearly a degree of conflict between the two parts of the Policy and therefore the decision-taker must apply sound planning judgement based upon the current situation on the ground. As such, the current application does not raise the potential to set a harmful precedent for the acceptance of proposals for residential developments that are considered to be ‘isolated’ from existing settlements, as was the LPA’s concern as part of the Appeal at 30 Barker Lane, Blackburn (Appeal Ref: APP/T2350/W/16/3164118).
- 6.8 In the absence of an adopted proposals map that can be attributed any significant material weight, and the above establishment of the application site as forming part of the village, there is no justification for the LPA to strictly apply Policy DMH3. In this instance, the amount of weight attributed to this must be reduced and planning judgement exercised in light of the positive wording of Part 1 of Policy DMG2. To do otherwise would be wholly contrary to Key Statement DS2, which emphasises the Council’s commitment to applying the ‘presumption in favour of sustainable development’ contained within the NPPF. Any such action would moreover be going against well-established case law, an

assessment undertaken within a recent appeal decision and demonstrate inconsistency in decision-taking.

Access and Highways Safety

- 6.9 As part of the pre-application response, the LPA sought the comments of the Highways Authority (Lancashire County Council) and the development was assessed by David Bloomer. His comments are detailed below:

The site is located on a stretch of 30mph highway so the required sight line would be 2 x 43m. The applicant has a long frontage and the option of locating the shared access towards the west of the site should be considered to maximise the available visibility to the east, which has the potential of being affected by the boundary wall / vegetation at the adjacent property (Woodley). The visibility to the west is not so critical as the speeds of vehicles would be reduced by the double bend around Lowood but improvements, i.e. the removal of the boundary wall, would still be a requirement'.

- 6.10 The access from Whins Lane, as proposed, meets all of these requests and there is no justifiable reason for the LPA to oppose the current application on the basis of highways safety. The residual cumulative impact of development cannot be considered severe and the application is compliant with the highways related criteria of Policy DMG1.

Design and Amenity

- 6.11 With the exception of access, all other design matters are reserved for future consideration. Nevertheless, the indicative proposed layout plan demonstrates how a development scheme for 2no. dwellings could be achieved and the project architect has taken into account the criteria of Policy DMG1.
- 6.12 In particular, the proposed dwellings are comfortably sited within the plot, with parking for two vehicles. The dwellings are of a scale that is sympathetic to the surrounding properties, which themselves are diverse in terms of their size and design. As the rear elevation faces south, it is anticipated that main habitable rooms will be focused towards this part of the dwellings, so that they benefit from good levels of natural daylight.

- 6.13 Private gardens are achieved but the main source of amenity will be derived from the excellent views available to the south as a result of the declining topography towards Whalley Road. The replacement of the cupressocyparis leylandii to the southern boundary with a low level stone wall will ensure a quality outlook to the ground and above.
- 6.14 The indicative site layout plan demonstrates how at least 14m can be achieved between the conservatory of Lowood and Unit 1 – which is considered a reasonable distance between dwellings. To prevent overlooking, it is anticipated that Unit 1 would not have any openings on the western elevation.
- 6.15 Moreover, it is described in Chapter 3 how the design utilises the existing topography of the land to ensure that the proposed dwellings are nestled into the landscape. It will be possible to keep the eaves and ridge heights of the proposed dwellings to less than those of Lowood. As such, the development of the site will not generate an unreasonable level of overbearingness and the users of the conservatory at Lowood will in any event continue to benefit from the excellent views southward.
- 6.16 On the above basis, it is considered that the outline application is consistent with Policy DMG1. In accordance with the ‘Core Planning Principles’ at Para 17 of the NPPF, the scheme will secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The proposal is a form of good design which should be supported.

Flood Risk

- 6.17 The outline planning application has been submitted alongside a Flood Risk Assessment which investigates the tributary that passes through the site, towards the eastern boundary. Whilst it is not necessary to repeat all of this here, the report concludes that the fluvial flood risk presents a low risk. Furthermore, the site is located within Flood Zone 1.
- 6.18 Recommendations for setting finished floor levels at least 150mm above the existing ground level and locating buildings at least 6m from the banks of the watercourse have been incorporated into the proposed indicative layout. As such, it is considered that any potential flood risk can be satisfactorily mitigated. A number of drainage solutions are offered, which will be considered further at the reserved matters planning stage.

Arboricultural Considerations

- 6.19 A Tree Report has been submitted as part of the outline planning application. Amongst other factors, this concludes that a considerable section of the site is free from tree constraints, both below and above the ground. Consequently, the development consisting of 2 no. dwellings can realistically be achieved without negative impacts on any mature trees. If the cupressocyparis leylandii to the southern boundary is removed to enable outlook, then this will not result in the loss of trees of any significant amenity value.

Landscape and Visual Impact

- 6.20 Given how the local topography increases northward towards the site, the outline planning application has been submitted alongside an Initial Landscape and Visual Impact Assessment, which considers the indicative proposed layout plan.
- 6.21 Whilst the document should be considered in full, the Assessment by Yew Tree & Gardens concludes that the development of would have a minor impact upon the landscape character of the area surrounding the site. This is reached due to the presence of an existing detached 20th century dwelling within the site, the relatively contained nature of the site, the limited scale of the development and the influence of existing densities of late 20th century dwellings in Straits Lane.
- 6.22 Receptor points with significant views of the site are likely to be relatively small in number and are mainly comprised of transient receptors with partial or glimpsed views of the site. The increase in mass and prominence of structures within the site would be visually significant for transient receptors using Straits Lane. However, due to the influence of continuous late 20th century dwellings to the east of the highway, the magnitude of impact would be partially reduced to moderate adverse.
- 6.23 Receptor points to the south and east of the site are located in excess of 350m from the site boundary and significant volumes of existing mature vegetation are present within and adjacent to the boundaries of the agricultural grazing land. Receptors will therefore have only partial or glimpsed views of the site and consequently, the levels of impact will be in the 'minor adverse to negligible' category.

6.24 On the above basis, the application is consistent with the requirements of Policy DMG2; ensuring that the proposed development is appropriate to the scale of, and in keeping with, the existing settlement. Any limited environmental harms are considerably outweighed by the economic and social benefits of the development.

7. The Planning Balance and Conclusions

7.1 Para 7 of the NPPF details how the Government considers that there are three dimensions to sustainable development: economic, social and environmental. At Para 8 it is set out how these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The Ribble Valley Core Strategy supports the pursuit of these gains through Key Statement DS2, which commits the LPA to carrying forward a positive approach towards development and reflects the 'presumption in favour of sustainable development'.

7.2 The current application seeks outline planning consent for the erection of 2 no. dwellings within the residential curtilage of Lowood. Access is applied for, with all other matters reserved for future consideration. The site is an infill plot, situated between existing residential developments and part of a clear continuation of the settlement between George Lane and Straits Lane. It is not isolated and by virtue of the proximity to local services, the development would serve to enhance and maintain the rural community. Taking into account these factors and other material planning considerations proposal is considered to deliver the following benefits:

Economic Benefits

- Provision of employment opportunities for the construction industry and benefits to the wider construction industry supply chain; and
- Result in spending in local shops and businesses.

Social Benefits

- Contribute towards the need for additional market housing in Read and Simonstone, which is understood to currently fall short of the minimum target set within Table 4.12 of the Core Strategy;
- A location which encourages future occupants to use local shops, services, amenities and public transport, helping to enhance and maintain the rural community; and
- A design which ensures a good standard of amenity for existing and future occupants of land and buildings.

Environmental Benefits

- The provision of development on a locationally sustainable site, with enhancements to the sustainability of Read;
- The delivery of a scheme which does not pose risk from flooding;
- The retention of mature trees and a development which does not impact negatively upon them; and
- A scheme which utilises the topography of the site to ensure that it will not generate a harmful landscape and visual impact.

7.3 These gains must be considered in the context that within Appeal Ref: APP/T2350/W/16/3164118 (30 Barker Lane) an Inspector has recently clarified that the settlement boundaries within the emerging Housing and Economic Development DPD have not yet reached a stage that they can be attributed substantial material weight in planning decisions. Moreover, the implications of the *Julian Wood Court* of Appeal judgement means that the LPA are unjustified in maintaining a perception that a location outside of a settlement boundary does not also mean it is not part of the village. This is a matter of planning judgement and in the past the LPA has positively assessed residential developments with a similar economic, social and environmental relationship within Read – principally at 8 Hammond Drive (LPA Refs: 3/2013/0513/P and 3/2014/0751/P).

7.4 The LPA must additionally recognise that the wording of Key Statement DS1 does not preclude new residential development outside of settlement boundaries. Part 1 of Policy DMG2 seeks to deliver new housing within Tier 1 Settlements such as Read where it consolidates, expands and round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. By virtue of the site's physical and social links to the main built up area, the current proposal will ultimately consolidate the settlement and is therefore consistent with both of these adopted Development Plan Policies.

7.5 Due to the very limited weight that can be attributed to the emerging Housing and Economic Development Plan DPD the LPA has no justification for strictly applying Part 2 of Policy DMG2, and Policy DMH3 – which conflict with Part 1 of Policy DMG2 to a degree. The decision-taker must therefore exercise sound planning judgement and in this instance, the application site clearly forms part of the village the scheme delivers economic, social and benefits which considerably outweigh harms expressed by the LPA at pre-application stage. Maintaining objections expressed at pre-application stage is clearly inconsistent with the presumption in favour of sustainable development, which is underpinned by Key Statement DS2 and the NPPF.

- 7.6 The adopted Development Plan, NPPF and Case Law continues to enable the LPA to assess planning applications based on individual circumstances and the situation on the ground. It is therefore unjustified for the LPA to adopt a position similar to their decision at 30 Barker Lane (Appeal Ref: APP/T2350/W/16/3164118); that an approval could set a harmful precedent for the acceptance of other similar proposals outside of the emerging settlement boundaries, whilst these provisions are available to assess applications on their individual merits.
- 7.7 On the above basis, the current outline application represents a form of sustainable development which should be approved 'without delay'. The LPA's opinions at pre-application stage, have been proven within this Statement to be contrary to established case law, an assessment undertaken within a recent appeal decision and inconsistent with decisions taken by the LPA in a similar location.

JWPC Limited

September 2017

**Appendix 1: Copy of the LPA's Pre-application Response Letter, dated 13th April 2015
(Ref: RV/2015/ENQ/00011).**



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: Rachel Horton
direct line: 01200 414501
e-mail: rachel.horton@ribblevalley.gov.uk
my ref: RV/2015/ENQ/00011
date: 13th April 2015

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414487
DX: Clitheroe 15157
www.ribblevalley.gov.uk

Dear Mrs Fitzgerald

REQUEST FOR PRE-APPLICATION ADVICE RELATING TO PROPOSED ERECTION OF TWO ZERO CARBON HOMES ON LAND ADJACENT TO 'LOWOOD', WHINS LANE, READ.

I write in response to your pre-application enquiry regarding the proposed erection of two zero carbon dwellings on land adjacent to 'Lowood', Whins Lane, Read. At this stage of enquiry a location plan and draft design approach has been submitted for consideration. In the absence of more detailed plans of the precise siting, layout, design, scale and appearance of the dwellings I am only able to advise upon the broad principle of the scheme as well as initial observations in relation to potential impact upon highway safety.

Principle of Development

As you are aware the Core Strategy was formally adopted by the Council on December 16th 2014, and the Authority can demonstrate a 5 year supply of deliverable housing land supply as stated in the most recent published Housing Land Availability Schedule (January 2015).

The Council, as of 18th September 2014 meeting of the Planning and Development Committee, agreed to maintain the Districtwide Local Plan (DWLP) settlement boundaries for the purposes of decision-making, where appropriate, pending a full boundary re-assessment. While work is underway to review the current boundaries it is not sufficiently advanced to be a relevant consideration in this case. The site therefore currently remains outside of the settlement boundary of Read & Simonstone and within the Open Countryside.

With regards to residential development Core Strategy Key Statement DS1 sets out the development strategy for the borough. In order to promote sustainable development in accordance with the National Planning Policy Framework (NPPF) this strategy seeks to direct the majority of new housing to the strategic site of Standen and the three principal settlements of Clitheroe, Longridge and Whalley. Beyond this the strategy designates 32 smaller settlements. Of these, 9 are considered to be the most sustainable and are designated as Tier 1 villages and the other less sustainable 23 are Tier 2 villages in which development must meet proven local needs or deliver regeneration benefits to be considered acceptable.

As advised above the site proposed for development is outside of the designated settlement of Read & Simonstone which is a Tier 2 village, therefore as outlined on page 42 of the Core Strategy there is no residual requirement for additional housing on sites outside of designated settlements other than that which is for local needs housing (i.e 100% affordable housing which must meet an identified need) or has significant regeneration benefits. Policy DMG2 underpins Policy DS1 by stating that development in either Tier 2 villages or outside a defined settlement must meet a least one of six criteria. These criteria include proposals that are: essential to the local economy or social well-being of the area; needed for the purposes of forestry or agriculture; local needs housing; small scale tourism or recreational developments; small scale uses appropriate to a rural area; and uses compatible with an enterprise zone designation. Furthermore, DMH3 Dwellings in the open countryside re-emphasises the principles of DMG2 insofar as residential development will need to be either essential for agriculture or meet an identified local need.

I note in the submitted 'Supporting Information' that the justification for the scheme is based upon the development of two zero carbon homes and appreciate the government's on-going commitment in meeting the challenge of climate change. Any subsequent application would have to be determined upon balancing the benefit of the scheme against the harm. Notwithstanding the zero carbon approach applied in this case, I am of the opinion that this does not meet any of the above criteria which would result in the development complying with Key Statement DS1 of the Core Strategy and therefore the proposal is likely to be refused on this basis, even if a case is put forward for the development as an 'exception' site insofar as meeting para. 55. of the NPPF.

I note that your clients wish the Authority to consider the development as meeting para. 55 of the NPPF, for having exceptional quality or innovative design. It is questionable whether this would indeed be the case considering that this paragraph specifically relates to 'isolated new homes in the countryside' when 'Lowood' and the site in question is outside of the main settlement but is most certainly not 'isolated' in respect of being adjacent and near to built development. Furthermore, the extent to which any particular proposal satisfies the requirements will be a matter of judgement and it is clear that the clause is intended only to be satisfied as an exception, and should consequently be applied with care to avoid undermining the normal restrictive approach to isolated new dwellings in the countryside.

At this stage of enquiry it is clear that a zero carbon approach with highly sustainable characteristics is to be adopted. However there is no clarity as to the overall quality of the design which would still have to be considered and be wholly 'innovative', 'truly outstanding' and an exemplar scheme. In the absence of more detailed plans I am unable to make such a judgement and for information, whilst applications have been submitted to this Authority on the basis of meeting bullet point 4. of para. 55. I have yet to see one which has been approved on this basis. Furthermore, other material considerations as well as relevant key policies and statements in the Core Strategy still applies. In short, and as highlighted above, if the scheme did meet para. 55 of the NPPF (which is questionable and difficult to establish at this stage), the proposal would still be refused as it would be contrary to DS1 and DMG2, DMH3 of the Core Strategy.

Highways

I have received an e-mail from David Bloomer of LCC Highways to clarify whether the development is likely to have an impact upon highway safety, and his comments are outlined as follows:

'The site is located on a stretch of 30mph highway so the required sight line would be 2 x 43m. The applicant has a long frontage and the option of locating the shared access towards the west of the site should be considered to maximise the available visibility to the east, which has the potential of being affected by the boundary wall / vegetation at the adjacent property (Woodley). The visibility to the west is not so critical as the speeds of vehicles would be reduced by the double bend around Lowood but improvements, i.e. the removal of the boundary wall, would still be a requirement'.

Conclusion

The development of two zero carbon dwellings in this location would not be in accordance with the Core Strategy, particularly DS1, as such the principle of development is not considered acceptable.

Please be mindful of the fact that the above advice has been given on the basis of the level of information submitted as part of the pre-planning enquiry, which sought guidance on the general principle of two zero carbon dwellings; the position may be otherwise if there are additional or different material facts. Please also be mindful that if an application is forthcoming irrespective of my advice, this will have to be determined upon relevant policies and material considerations at the time any application is determined.

I trust that you find the above observations of use and stress that they represent officer opinion only, at the time of writing, given without prejudice to the final determination of any application submitted.

Yours sincerely

Rachel Horton
Pre- Planning Advice Officer

Mrs Paula Fitzgerald
Fitzgerald Planning & Design
1 Maybury Avenue
Burnley
BB12 8AL

Appendix 2: Copy of the Court of Appeal judgment Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council (2015).



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C1/2014/1144

**IN THE SUPREME COURT OF JUDICATURE
IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
(HIS HONOUR JUDGE MACKIE QC
(sitting as a deputy judge of the High Court))**

Royal Courts of Justice
Strand
London, WC2A 2LL
9 February 2015

Before:

**LORD JUSTICE SULLIVAN
LORD JUSTICE BEAN
LADY JUSTICE KING DBE**

↗ JULIAN WOOD

Claimant/Appellant

-v-

**THE SECRETARY OF STATE FOR
COMMUNITIES AND LOCAL
GOVERNMENT**

First Defendant

and

GRAVESHAM BOROUGH COUNCIL

**Second
Defendant/Respondent**

**(DAR Transcript of
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Official Shorthand Writers to the Court)**

MR RICHARD TURNEY (instructed by Kingsley Smith Solicitors) appeared on behalf of the Appellant
MR JUAN LOPEZ (instructed by Sharpe Pritchard) appeared on behalf of the Respondent (Second Defendant)

HTML VERSION OF JUDGMENT

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LORD JUSTICE SULLIVAN:

Introduction

1. This is an appeal against the order dated 21 February 2014 of HHJ Mackie QC, sitting as a deputy High Court judge, dismissing the appellant's application under section 288 of the Town and Country Planning Act 1990 ("the Act") to quash the decision dated 8 May 2013 of one of the first respondent's planning inspectors to dismiss the appellant's appeal under section 78 of the Act against the second respondent's decision to refuse to grant outline planning permission for the erection of a single dwelling on land adjoining the See-Ho Public House, Pear Tree Lane, Shorne, Gravesend.
2. The application under section 288 was made on two grounds which the judge summarised in paragraph 3 of his judgment ([2014] EWHC 683 (Admin)).
3. In his first ground of appeal the appellant contended that the inspector had failed properly to apply the policy in paragraph 89 of the National Planning Policy Framework ("NPPF") relating to "limited infilling in villages" in the green belt.
4. The appellant's second ground of appeal, which had been conceded by the first respondent, who played no part in the proceedings before the judge or in the appeal to this court, contended that the inspector had failed properly to consider the shortfall in housing land supply.
5. The judge dismissed the first ground of appeal (see paragraphs 66-68 of his judgment). In respect of the second ground of appeal, the judge concluded that the inspector had failed to give adequate reasons because he had failed to deal with the extent of the housing shortfall (see paragraphs 88-90), and granted the appellant a declaration that the inspector had erred in that particular respect.
6. However, the judge declined to squash the inspector's decision on this ground because he was satisfied that, whatever the extent of the shortfall, the inspector would have reached the same decision given the very strong policy objection to inappropriate development in the green belt (see paragraphs 91-94).
7. In this appeal the appellant challenges the judge's conclusion that the inspector correctly applied the policy guidance in respect of infilling in villages in paragraph 89 of the NPPF, and the judge's decision not to quash the inspector's decision on ground 2.

The NPPF

8. Paragraphs 79 to 92 of the NPPF deal with "Protecting green belt land". Inappropriate development in the green belt should not be approved except in "very special circumstances" which will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (see paragraphs 87 and 88).
9. Paragraph 89 is the key paragraph of the NPPF for the purposes of this appeal. So far as relevant, that paragraph provides that:

"A local planning authority should regard the construction of new buildings as
inappropriate in Green Belt. Exceptions to this are:

- limited infilling in villages, and limited affordable housing for local

community needs under policies set out in the Local Plan ..."

10. Before the judge it was submitted on behalf of the second respondent that the words "under policies set out in the Local Plan" governed both limited affordable housing for local community needs and limited infilling in villages.
11. In his oral submissions before us Mr Lopez did not pursue that submission, which had been foreshadowed in his written skeleton argument on behalf of the second respondent. In my view, he was right not to do so. The position of the comma in the description of the exception is important. The words at the end of the exception are part of and govern the second limb of the exception -- limited affordable housing for local community needs. It is readily understandable why that should be so. It may not be possible to accommodate such housing within a village that is in the green belt, so any expansion of the village to accommodate such housing must be dealt with by policies in the Local Plan. The same considerations do not apply to limited infilling in villages.
12. Before this court it was common ground that whether or not a proposed development constituted limited infilling in a village for the purpose of paragraph 89 was a question of planning judgment for the inspector and the inspector's answer to that question would depend upon his assessment of the position on the ground. It was also common ground that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector's assessment of the extent of the village on the ground. Against that agreed background, I turn to the inspector's decision.

The inspector's decision

13. Having referred to paragraphs 79 to 92 of the NPPF, the inspector said in paragraphs 7 and 8:

"7. The appeal site is located on the south side of Pear Tree Lane and comprises a plot of open land adjacent to the car park of a public house. It is surrounded on all sides by housing, and is bounded by conifer hedges and timber fencing. To the west and south is a continuously built-up area, while to the east it adjoins a line of detached properties extending out into the countryside. On the opposite side of the road is a row of similar bungalows (Ridgeway Bungalows) on deep plots behind which are open fields.

8. I have not been advised of the location of the village envelope or the Green Belt boundary, but the Council states that the site lies outside the village boundary and within the countryside and the Metropolitan Green Belt. Ridgeway Bungalows continue the built-up area further to the east on the north side of Pear Tree Lane."

14. In paragraph 9 the inspector referred to an earlier appeal for a development of two houses on the appeal site which had been dismissed in 1991. He continued in paragraphs 10 and 11:

"10. The 1991 appeal indicates that the built-up area boundary ran along the east side of Rose Cottage with the public house and other properties to the east of Bowesden Lane being in the countryside. However, at that time the Council was reviewing the Local Plan and proposed to include within the village envelope the public house, its car park and Ridgeway Bungalows. While the last named are now within the village envelope I have not been advised whether the public house and its car park are now within or without.

11. Whichever is the case the site appears to lie on or very close to the boundary between the village and the Green Belt."

15. The inspector dealt with the appeal under the written representations procedure. That explains why the information before him appears to have been less than complete.
16. We have been shown a copy of the application plan which was before the inspector. The appeal site is immediately to the east of the public house and its car park. If the public house and car park had been included in the village envelope under the review, then the western boundary of the appeal site would have been on the village boundary, as defined in the Local Plan. If on the other hand the public house and its car park had not been included in the village envelope when the Local Plan was reviewed, then

the appeal site would still have been very close to the boundary between the village and the green belt as defined in the Local Plan. It would have been separated from the defined boundary by the public house and its car park.

17. I return to the inspector's decision. The inspector concluded in paragraphs 13 and 14 as follows:

"13. Since the 1991 appeal some developments have taken place in the area. Most notable at the time of my visit was work being undertaken on Shornebury, a detached house adjoining the site to the east. Third party evidence indicates that this is in fact two large extensions one on each side of the house. The resulting building is massive and highly prominent in the street scene. It extends the built environment out of the village into the Green Belt. Contrary to the appearance of the area in 1991, the built-up area now appears to start some distance to the east of the appeal site.

14. Paragraph 89 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate, but indicates a number of exceptions. Among these is limited infilling in villages. Although the appeal site has the appearance of being an infill location in view of the existing development all around, it does not lie in a village, but outside the boundary. I therefore consider that the proposed development would be inappropriate and thus by definition harmful to the Green Belt."

18. Under the heading "Effect on village envelope and countryside" the inspector said in paragraphs 17 and 18:

"17. The proposed development would infill an open space on or close to the village envelope. However, the continuing development along Pear Tree Lane gives the appearance of the built-up area extending further to the east. There is already a difference between the defined village boundary and that which appears on the ground to be the logical end of the built-up area.

18. I do not consider that the proposed development would distort further the definition between village envelope and surrounding countryside."

The parties' submissions

19. Mr Turney submitted, on behalf of the appellant, that on a fair reading of the passages in the inspector's decision to which I have just referred the inspector had misdirected himself because he had wrongly treated the boundary of the village as defined in the Local Plan as being determinative of the issue whether the proposed development was in the village. If the appeal site was in the village, there was no suggestion that the proposal for one dwelling was not limited infilling (between the public house to the west and Shornebury to the east).
20. He pointed to paragraph 8 of the decision, in which the inspector referred to the village envelope and the green belt boundary. Although the inspector had said that he had not been advised of their location, he noted the second respondent's statement that the appeal site was outside the village boundary and within the countryside and the green belt. This, submitted Mr Turney, suggested that the inspector was considering a boundary that was defined on a development plan, rather than the boundary on the ground.
21. Mr Turney submitted that this conclusion was reinforced by the discussion in paragraph 10 of the inspector's decision of the review of the village envelope, which was clearly the village envelope as defined in the Local Plan. This was the boundary to which the inspector was referring in paragraph 11 of the decision. Whether the appeal site was on or close to that defined boundary depended on whether the defined boundary had been revised to include the public house and its car park to the west of the site.
22. Mr Turney submitted that in paragraph 13, by contrast, the inspector was there considering the position on the ground and had concluded that the built environment had extended into the green belt, so that the built-up area appeared to start some distance to the east of the site. Although the inspector recognised in paragraph 14 that this meant that the appeal site had the appearance of being an infill site because of the existing development all around it, the inspector's reason for concluding that it did not lie "in a village" was because it lay outside "the boundary", that is to say the boundary as defined in

the Local Plan which the inspector had been discussing in the earlier paragraphs of his decision.

23. Mr Turney submitted at this conclusion was confirmed by paragraph 17 of the decision in which the inspector had returned to the concept of the village envelope (to which he had referred in paragraphs 8 and 10) and had noted the difference between the "defined village boundary" and the appearance of the village on the ground.
24. On behalf of the second respondent, Mr Lopez accepted that the inspector would have misdirected himself in paragraph 14 of the decision if he had treated the boundary of the village as defined in the local plan as determinative. However, he submitted that the inspector had not misdirected himself in that way. The inspector had recognised (see paragraph 13 of the decision) that the built-up area of the village had expanded since 1991, and had therefore gone on in paragraph 14 to form his own view of what was the boundary of the village in 2013 and had concluded, as a matter of planning judgment, that the appeal site did not fall within the village, notwithstanding the fact that there were, as Mr Lopez put it, "other pockets" of built-up development to the east of the appeal site.
25. I have to say that looking at the application plan and at the inspector's description of the position on the ground, Mr Lopez's description of the development to the east of the appeal site as "other pockets" of development does not seem to me to do full justice to the extent of the development to the east of the site.
26. Be that as it may, Mr Lopez submitted that the conclusion that the inspector in paragraph 14 had formed his own planning judgment as to where the boundary of the village lay and had not treated the boundary as defined in the Local Plan as being determinative was the only logical conclusion that could be drawn because the inspector had made it clear earlier in the decision (see paragraph 8) that he had not been advised of the village envelope boundary as defined in the Local Plan. Mr Lopez submitted that since the inspector did not know the position of the village boundary as defined in the Local Plan, he could not have relied upon it, much less could he have treated it as being determinative of the question whether the appeal site was in the village for the purpose of paragraph 89 of the NPPF.

Discussion

27. The submission that the inspector could not have treated the village boundary as defined in the Local Plan as determinative and had, of necessity, to form his own view as to what was the boundary of the village because he had not been told what was the position of the defined boundary has an obvious attraction, but it overlooks the fact that the inspector was not left in complete ignorance as to the precise position of the defined boundary in the Local Plan.
28. The 1991 appeal decision, which the inspector referred to in paragraph 10 of the decision letter, had told the inspector what the defined boundary was in 1991. It told him that at that time it excluded the public house and its car park to the west of the appeal site. It also told the inspector that at that time the defined boundary was under review. The inspector knew that as a result of that review the Ridgeway Bungalows, which were on the north side of Pear Tree Lane opposite the appeal site, had been included in the defined village envelope. He did not know whether or not the public house and its car park had also been included, but whether they had been included or not under the review, that still left the appeal site either on or very close to the boundary between the village and the green belt as defined in the Local Plan (see paragraph 10 of the decision).
29. Once this is appreciated, it is clear that for all of the reasons advanced by Mr Turney in his submissions (see above) "the boundary" to which the inspector was referring in paragraph 14 was not his own assessment of the boundary of the village on the ground, but was the defined village boundary in the Local Plan, to which the inspector had been referring in paragraphs 10 and 11. Whether or not the public house and its car park were within the defined boundary as revised, the appeal site was outside that boundary. That is the sole reason why the inspector concluded in paragraph 14 that the appeal site did "not lie in a village, but outside the boundary", notwithstanding his earlier assessment in paragraph 13 of the extent of the built-up area on the ground. The contrast between the "village envelope" within the "defined village boundary" and the extent of the built-up area of the village on the ground is repeated in paragraph 17 of the decision.

Conclusions

30. For these reasons, I am satisfied that on a fair reading of this decision the inspector did misdirect himself in the manner alleged in ground 1 of this appeal. It follows that the inspector's decision must be

quashed and in these circumstances it is unnecessary, in my view, to consider ground 2 of the appeal.

31. LORD JUSTICE BEAN: I agree.

32. LADY JUSTICE KING: I also agree.

ORDER: Appeal allowed; paragraph 4 of Judge Mackie's order set aside and an order is substituted that the second respondent shall pay the appellant's costs from 30 January 2014, to be the subject of a detailed assessment if not otherwise agreed; the second respondent to pay the appellant's costs of the appeal, to be the subject of a detailed assessment if not otherwise agreed; order for an interim payment on account of costs in the sum of £25,000.

(Order not part of approved judgment)

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**Appendix 3: Copy of the Decision Letter for Appeal Ref: APP/T2350/W/16/3164118 - 30
Barker Lane, Blackburn (2017).**

Appeal Decision

Site visit made on 10 April 2017

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th May 2017

Appeal Ref: APP/T2350/W/16/3164118

30 Barker Lane, Blackburn BB2 7ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Wallbank against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0346, dated 13 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the erection of two detached houses following demolition of existing house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached houses following demolition of existing house at 30 Barker Lane, Blackburn BB2 7ED in accordance with the terms of the application, Ref 3/2016/0346, dated 13 April 2016, subject to the condition contained within the schedule to this decision.

Application for costs

2. An application for costs was made by Ribble Valley Borough Council against Mr Lee Wallbank. In addition, an application for costs was made by Mr Lee Wallbank against Ribble Valley Borough Council. These applications are the subject of separate Decisions.

Main Issues

3. The main issues in this appeal are as follows:
 - Whether the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness and character of the Green Belt;
 - Whether the development would accord with the Council's housing strategy; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are exceptions to this presumption against development in the Green Belt, including *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*.
5. The proposal would involve the demolition of the existing dwelling and its replacement with two dwellings. The Council argue that as the existing dwelling would be demolished, it cannot be considered as infilling as it would be a rebuild. However, I do not agree with this view. There are dwellings either side of the appeal site and therefore if the existing dwelling was to be demolished, the site would still be an infill plot. The Framework does not preclude demolition in terms of infill. The key word that should placate the Council's concern that it would allow single dwellings to be replaced by multiple units is 'limited'. Furthermore, each case is to be accessed on its own merits, taking account of the overall area. In this instance, I am satisfied that the proposal would be limited infilling.
6. I have had regard to the appellant's contention that the site should be defined as within the urban boundary of Blackburn. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the development plan, the appeal site falls outside any defined settlement.
7. Although there is no definition of limited infilling or villages in the Framework, the Council confirm that villages are defined in the Ribble Valley Borough Council Core Strategy (CS) 2008 – 2028 as *'the smaller settlements within the borough and for the purposes of this study, this relates to all settlements in the borough excluding Clitheroe, Longridge and Wilpshire'*. Whilst the CS also defines defined settlements, there is no evidence that the appeal site falls within a defined settlement as identified in the CS. Notwithstanding the appeal sites proximity to Blackburn, it does not fall within a defined settlement within the Borough.
8. Nevertheless, the Court of Appeal judgment *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council [2015]* determined that the 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. In that case the Inspector had described a site that was surrounded on all sides by housing, but was not within the settlement boundary. The Court found that he had misdirected himself in concluding that the site did not lie in a village but outside the boundary.
9. The appeal site comprises a detached bungalow set within extensive grounds. The property forms part of a linear development that straddles either side of Barker Lane extending off the A6119 to the south, on the other side of which is the large urban settlement of Blackburn. The southern section of this linear

development is generally of a tighter form, similar to that on the opposite side of the A6119. The northern section, within which the appeal site is located, comprises properties that are generally larger in size, set back from the road and set within large gardens. Nevertheless, there is a clear continuation of the built form from the junction of Barker Lane and the A6119. Whilst this is intersected by the administrative boundary between Ribbles Valley Borough Council and Blackburn and Darwen Council, on the ground this is only identifiable by way of a sign.

10. Therefore, notwithstanding the sites allocation within the development plan I find that it forms part of a continuation of the settlement of Blackburn. I note that the exception in paragraph 89, bullet 5 refers to villages. Whilst Blackburn is larger than a village, given the unusual circumstances of the appeal site in that it forms part of a built-form that straddles the administrative boundary between two local planning authorities, I find that it is acceptable to consider it falling within a village for the purposes of paragraph 89 of the Framework.
11. I find therefore that the proposal satisfies the exception set out in paragraph 89, bullet five of the Framework and therefore is not considered to be inappropriate development in the Green Belt. As such, it complies with policy EN1 of the CS, which seeks to protect the Green Belt from inappropriate development.

Openness and character

12. The Framework states that the essential characteristics of Green Belt are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
13. The replacement of the existing single storey dwelling with two, two-storey dwellings would inevitably have some effect on the openness of the Green Belt. However, I have concluded that it would represent limited infilling in a village which is an accepted exception in the Framework. Accordingly the effect on openness would not be so significant that it would cause any material harm to this part of the Green Belt.
14. In terms of the effect on the character and appearance of the area, the dwellings would follow the established building lines of properties on this side of Barker Lane. Although large, the dwellings would be sympathetic to the surrounding properties, which themselves are diverse in terms of their size and design. Whilst the proposal will have a greater effect on the area than the existing dwelling, in that they would be larger than the existing dwelling and would be more prominent in the streetscene, I am satisfied that their appropriate size and design would not have any significantly harmful effect on the character or appearance of the area. As such, it would comply with Policies EN2 and DMG2 of the CS, which, amongst other matters, seeks to ensure that new development is in keeping with the character of the landscape and is of a high standard of building design.

Housing Strategy

15. The glossary of the CS provides a definition of open countryside, which defines it as '*a designation currently defined within the proposals map of the RV Districtwide Plan mainly of land outside Settlement Areas but not*

designated Greenbelt or AONB'. The Council argues that this definition allows land to be designated as both open countryside and Green Belt. However, that is not how the definition is read. It clearly states that open countryside is land that is outside Settlement Areas but not designated Green Belt. If it were to mean land outside settlement boundaries then it would not need to make any reference to the Green Belt or AONB.

16. I note that the proposal map referred to me by the Council identifies the site falling within an area defined as EN1 (Green Belt) and EN2 (Open Countryside) and as such there is some conflict between the LP and the proposals map. However, the proposal map appears to be part of the Emerging Housing and Economic Development DPD. As I understand, the Council is currently reviewing settlement boundaries as part of the DPD. However, given that the revised boundaries have not been adopted and, as indicated by the appellant, there are outstanding objections to them, I attribute limited weight to the DPD and the proposal map. Given that the CS is adopted I attribute it substantial weight.
17. In light of the above, as the appeal site is located within the Green Belt, it cannot be also designated as open countryside for the purposes of the development plan. I note that Inspectors in previous appeals have considered sites to fall within both the open countryside and the Green Belt. However, as the Council admit, this argument has not been raised before.
18. Policies DS1 and DMG2 of the LP sets out the Council's strategic aim of focusing development towards the principal settlements and Tier 1 villages. In Tier 2 villages and outside the defined settlement areas development must meet at least one of a list of requirements. The proposal would not comply with any of these requirements. However, Policy EN1 of the LP allows development in the Green Belt providing it is not inappropriate, whilst it does not explicitly state what inappropriate development is, the Framework does.
19. Therefore, whilst the proposal would not strictly accord with Policies DS1 and DMG2 of the LP, it would comply with EN1 of the LP and paragraph 89 of the Framework.
20. The Council also refer to Policy DMH3 of the CS. However, as I have found that the site is not within the open countryside as defined in the CS, this policy is not relevant.

Other Matters

21. I have had regard to the concerns raised regarding the effect of the development on the living conditions of the occupants of the neighbouring residential property, No 28 Barker Lane, with regard to loss of light and outlook. However, I am satisfied that there would be sufficient distance between the properties to ensure that there would not be any adverse effects with regard to these matters.
22. I have also had regard to the effect of the driveway on highway safety. Whilst it would be closer to that of No 28, there is sufficient visibility in both directions from both driveways. The only likely occurrence when visibility would be restricted is when cars are exiting the two sites at the same time. However, such occurrences are likely to be infrequent and in any event I am satisfied

that it would not represent a severe risk to highway safety. Furthermore, the proposal would provide adequate off-street parking and during my site visit I observed that neighbouring properties also have adequate parking provision. Therefore, the proposal would not result in any significant increase in on-street parking to the detriment of highway safety.

23. I have had regard to the previous appeals¹ referred to me by the Council. However, based on the evidence before me, none of these schemes related to a site that formed part of a larger settlement, albeit not one defined in the LP. In particular, the site at Broadhead Farm was far detached from any surrounding built form. Accordingly, I find that these schemes are not directly comparable to the proposal before me and as such I attribute them only limited weight.
24. I acknowledge the Council's concern that in allowing the proposal it would set a precedent and that they would find it difficult to resist other similar development. I have not been presented with any directly similar or comparable sites to which this might apply. Each application and appeal must be determined on its own merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

25. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
26. In the interests of the character and appearance of the area conditions are appropriate regarding materials, boundary treatment, landscaping, the protection of existing trees and external lighting.
27. In the interests of highway safety, conditions regarding parking spaces and manoeuvring areas are necessary.
28. In the interests of protecting birds and bats conditions are required regarding the provision of bird and bat boxes.
29. To safeguard the living conditions of neighbouring residents conditions are necessary regarding hours of operation, balcony screening, obscure glazing and the submission of a Construction Method Statement.
30. I do not, however, find there to be exceptional circumstances that would justify the removal of permitted development rights.
31. I have had regard to the Council's concern that the driveway could affect the root protection zone of nearby trees and the appellant's rebuttal that conditions regarding surface materials or digging processes could adequately deal with this. I am satisfied that such concerns can be addressed by way of a landscaping condition as I have imposed.
32. It is essential that the requirements of conditions 8, 13 and 15 are agreed prior to the development commencing to ensure an acceptable form of development in respect of safeguarding protected species, preserving the character and appearance of the area and residential amenity.

¹ Appeal Refs APP/T2350/W/16/3153754, APP/T2350/W/16/3064545 and APP/T2350/W/16/3150944

Conclusion

33. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 15.125 03 A, 15.125 04 B, 15.125 05 A and 15.125 06 A.
- 3) No construction works shall commence until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No construction works shall commence until details at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No construction works shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include all hard surfaced areas, including the proposed surface treatment and car parking spaces and manoeuvring areas, and the type, species, siting, planting distances and programme of planting of any trees and shrubs. The scheme shall also indicate and specify all existing trees on the land which shall be retained in their entirety, unless otherwise agreed in writing by the local planning authority, together with measures for their protection in the course of development. The development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of three years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The car parking spaces and manoeuvring areas agreed under the approval of condition 5 of this decision notice shall be made available for use prior to the first occupation of either dwellinghouse hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

- 8) No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of the numbers of artificial bird nesting boxes and artificial bat roosting sites. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The approved artificial bird/bat boxes shall be incorporated into the dwellings during the actual construction phase before the dwelling is first brought into use and retained thereafter.
- 9) No demolition, building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.
- 10) No construction works shall commence until details of the foul drainage scheme have been submitted to and approved in writing by the local planning authority. Foul and surface water shall be drained on separate systems. The dwelling shall not be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. The development shall be completed, maintained and managed in accordance with the approved details.
- 11) Prior to the first occupation of the hereby approved dwellings, all terrace/balcony areas to the rear of both dwellings shall be fitted with a minimum 1.7m high opaque or obscure glazed privacy screens along both side elevations in accordance with details to be submitted to and approved in writing by the local planning authority. The approved screens shall be retained at all times thereafter.
- 12) Prior to the first occupation of the hereby approved dwellings, all ground and first floor windows in the side elevations of Plot 1 and the south elevation of Plot 2 shall all be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be retained as such in perpetuity.
- 13) No development shall take place until all the existing trees within, or directly adjacent, to the site (except those shown to be removed on the approved plans), have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.
- 14) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. Only the approved lighting shall be installed.

- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Timing of delivery of all off site highway works
 - The parking of vehicles of site operatives and visitors
 - The loading and unloading of plant and materials
 - The storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding
 - Wheel washing facilities and road sweeper
 - Details of working hours
 - Contact details for the site manager
 - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
 - Routes to be used by vehicles carrying plant and materials to and from the site
 - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Appendix 4: Copies of the Decision Notice, Delegated Report and Site Location Plan for Planning Permission Ref: 3/2014/0751/P (2015) and the Decision Notice and Site Location Plan for Planning Permission Ref: 3/2013/0513/P (2013) – 8 Hammond Drive, Read (2015).

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2014/0751

DECISION DATE: 06 February 2015

DATE RECEIVED: 15/08/2014

APPLICANT:

Mr Michael Harrison
8 Hammond Drive
Read
Burnely
Lancashire
BB12 7RE

AGENT:

JWPC Limited
1B Waterview
White Cross
Lancaster
Lancs
LA1 4XS

DEVELOPMENT Erection of single, detached dwelling

PROPOSED:

AT: 8 Hammond Drive Read Burnely Lancashire BB12 7RE

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

2. The permission shall relate to the development as shown on Drawing Numbers 4285-10, 4285-11 and 4285-12

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version)

P.T.O.

4. The development shall be carried out in accordance with the Initial Arboricultural Impact Assessment Report by Bowland Tree Consultancy Ltd dated August 2014 that was submitted with the application. Prior to the commencement of any development works including delivery of building materials and excavations for foundations or services, all trees identified for retention in that Report shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

The root protection area shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone. In addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written permission of the Local Planning Authority, which will only be granted when the Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and will be carried out by an approved arboricultural contractor.

Reason: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version)

5. The development hereby permitted shall not be commenced until details of the landscaping of the site (including the retention of existing trees as required by condition no.4) have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall include an appropriate number and species of trees to replace those trees that are to be felled as part of the proposed development scheme.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

Reason: In the interests of the amenity of the area and to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Adopted Version).

P.T.O.

7. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Adopted Version).

8. Notwithstanding the provisions Schedule 2 Part 40 Classes A-I of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, or any Order revoking and re-enacting that Order, no microgeneration equipment shall be attached to the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Adopted Version)

9. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- 1.the parking of vehicles of site operatives and visitors;
- 2.loading and unloading of plant and materials;
- 3.storage of plant and materials used in the construction of the development;
- 4.the erection and maintenance of security fencing;
- 5.wheel washing facilities;
- 6.measures to control the emission of dust and dirt during construction;
- 7.a scheme for recycling/disposing of waste resulting from construction works.
- 8.Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made);
- 9.Measures to ensure that construction vehicles do not impede adjoining accesses;

The approved construction method statement shall be adhered to throughout the entire period of construction works.

Reason: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

10. The existing stone wall on the northern boundary of the site to Hammond Drive shall not at any time be demolished in whole or in part , nor shall it be altered in any way, without the prior written permission of the Local Planning Authority.

Reason: In order to ensure the protection of this historic feature of the locality, in the interests of visual amenity, the amenities of existing nearby residents and highway safety and in order to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

P.T.O.

11. Prior to the first occupation of the dwelling hereby permitted, the new access driveway, parking spaces and turning area shall all have been formed within the site, in accordance with the details shown on Drawing Number 4285-12. Thereafter, these facilities shall be retained permanently available for their designated use.

Reason: In the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

4. The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development .

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

This report needs to be read in conjunction with the Decision Notice.

Ribble Valley Borough Council

DELEGATED ITEM FILE REPORT - APPROVAL

Ref: CS/CMS

Application No:

3/2014/0751/P

Development Proposed:

Erection of single, detached dwelling at 8 Hammond Drive, Read

CONSULTATIONS: Parish/Town Council

Parish Council – Has no objection in principle to the development but is concerned that additional traffic will be generated onto Whins Lane and that residents will suffer disruption during construction.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Environment Directorate (County Surveyor) – The County Surveyor makes the following comments in relation to this application:

- There is an existing access to the proposed dwelling from Hammond Drive which is a privately owned road leading to a cul-de-sac. There is very little traffic on Hammond Drive, mainly related to the few residential dwellings that it serves.
- During construction works there would be delivery vehicles, construction machinery, contractors' vehicles and tradesmen's vehicles visiting the site. All such vehicles should not affect the normal traffic on Hammond Drive.
- The layout of the proposed development indicates that there would be two parking spaces provided for the proposed dwelling. This is in accordance with LCC parking standard guidelines for a 3 bedroom dwelling.
- The proposed development is unlikely to have a significant effect on the adjacent highway network. There is therefore **no objection** to the proposed development on highway grounds.

Environment Directorate (County Archaeologist) – Comments that, having checked their records, there are no significant archaeological implications.

Electricity North West (ENW) – Has confirmed that the proposal would have no impact on their Electricity Distribution System infrastructure or any other ENW assets.

CONSULTATIONS: Additional Representations.

Two letters have been received from nearby residents. The objections/comments contained in the letters are summarised as follows:

1. Permission has already been granted for two dwellings at this site. The proposal for a third dwelling (giving a total of 4 including the existing house) is overdevelopment of the site and would fundamentally change the nature of this quiet road.
 2. Hammond Drive is a narrow lane and the proposed development would increase traffic density and movement. In particular it is difficult for delivery, public service and emergency vehicles to service the existing properties. Refuse collection vehicles generally reverse the whole length of Hammond Drive as there is no suitable area to turn vehicles around. Signs have been erected at the entrance to Hammond Drive
-

indicating that there is no turning available and also stating “no parking”, but both of these signs are frequently ignored.

3. There appear to be plans by others (not the applicant) to provide a turning area beyond 1 Read Hall Cottages. If this application is approved, the applicant should fund the provision of such a turning facility in order to off-set the additional vehicle movements that would result from the proposed development.
4. This proposal will exacerbate the parking/access problems referred to in objection letters relating to the previous application for 2 dwellings. The previous permission was conditional upon parking for site operatives, visitors, loading and unloading and storing of materials being available without creating access problems for residents of Read Hall Court and Read Hall Cottages. The proposed third dwelling will fill any space which might have been available to satisfy that original condition.
5. Whilst 8 parking spaces for residents are shown on the plans there does not appear to be any parking for visitors. Parking at the entrance to the driveway to Read Hall Court is unacceptable. Such parking could cause problems for emergency vehicles seeking to access Read Hall Court.
6. In relation to the previous application, the Traffic Engineer recommended that the access into the site should be 4.5m wide and set back 5m from Hammond Drive which may have provided some opportunity to get visitor vehicles off Hammond Drive. This would not appear to be impractical if the proposal for an additional property is approved.

RELEVANT POLICIES:

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement EN3 – Sustainable Development and Climate Change.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape and Townscape Protection.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

National Planning Policy Framework (NPPF).

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

No 8 Hammond Drive is the last dwelling on the south side of an unadopted highway at its western end. The existing dwelling is sited close to the eastern side boundary of its large residential curtilage that comprises an ornamental garden. There is an existing vehicle access onto Hammond Drive. To the north of the application site is a pair of semi-detached houses. These are the last dwellings on the north side of the western end of Hammond Drive. No 8 is adjoined to the east by other large detached dwellings on the south side of Hammond Drive and to the south and west by open fields.

The curtilage of no 8 contains many trees and shrubs and slopes quite steeply downwards from north to south (ie sloping down away from Hammond Drive). There is a historic stone wall on the northern site boundary to Hammond Drive.

In the former Districtwide Local Plan, this property is outside the settlement boundary of Read/Simonstone and is designated as open countryside.

Under reference 3/2013/0513/P full planning permission was sought for the erection of 2 detached houses on the western part of the existing curtilage. That application fell to be determined at a time when the Council did not have an up to date development plan and had a housing supply of approximately 4.2 years (ie less than 5 years). In such circumstances, NPPF required Local Planning Authorities to consider housing applications in the context of a presumption in favour of sustainable development.

Paragraph 55 of NPPF seeks to promote sustainable housing development in rural areas stating that "housing should be located where it will enhance or maintain the vitality of rural communities. Eg, where there are groups of small settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances." A number of such "special circumstances" are then listed within the paragraph. The previously proposed development for 2 dwellings did not satisfy any of the listed "special circumstances" but the Council did not consider that it needed to, because the proposal would not result in an "isolated home in the countryside".

In the determination of the previous application, the reference to isolated development was considered within the context of the stated requirement for the development to enhance or maintain the vitality of rural communities. In this regard (although obviously accepting that the site was outside the settlement boundary of Read/Simonstone, Policy G3 of the former Local Plan was considered at that time to provide some relevant context. That former Policy stated that within Read/Simonstone (and also Mellor Brook) planning permission will be granted for the development and re-development of land wholly within the settlement boundary not defined as essential open space. In the explanatory text to the former Policy it was stated that "these villages are considered the most suitable to accommodate modest development. This is by virtue of the facilities already existing within the villages." Read/Simonstone was therefore effectively identified in the former Local Plan as a sustainable location for new development. Although not within the settlement boundary of the historic Local Plan, the Council contended in relation to the previous application that the site formed part of a group of existing dwellings as there are dwellings to the north and east of the site. The occupiers of these existing dwellings (and the 2 proposed dwellings in the event of permission being granted for the previous proposal) were considered to contribute as much towards enhancing and maintaining existing local facilities as the residents of dwellings within the settlement boundary. Consideration was given to the fact that dwellings within the settlement boundary at the northern end of George Lane are only approximately 320m away from the previous application site.

To amplify the Council's contention that the site was in a sustainable location, reference was made in the previous delegated item file report to the existing facilities within the settlement of Read/Simonstone which is situated on the A671 Whalley Road that links to the larger settlements, with a larger range of facilities, of Whalley and Padiham. It was also stated that Whalley station gives access to the wider rail network and junction 8 of the M65 (approximately 3 miles from the previous application site) to the wider motorway network. Finally it was commented that a bus route between Clitheroe and Burnley passes through Read/Simonstone. For these reasons the two dwellings proposed in application 3/2013/0513/P were considered, within the policy context at that time, to represent sustainable development in the locational sense such that, in that regard, the development was considered to be acceptable in principle. That previous application was also considered to be acceptable in relation to all of the more specific detailed considerations. Permission was therefore granted on 17 October 2013 subject to appropriate conditions.

This current application seeks full planning permission for a third dwelling within the curtilage of no 8 Hammond Drive. The application site (as defined in red on the submitted plans) comprises the existing access onto Hammond Drive and an area between the existing dwelling and the site of the most eastern of the two previously approved dwellings. The site also includes an area upon which 2 parking spaces would be provided for the existing dwelling.

Since the previous application was approved, the policy context has changed with the recent adoption of the Council's Core Strategy. The principal feature of the Council's Development Strategy as defined by Key Statement DS1 is the concentration of development within the Standen Strategic Site, the principal settlements of Clitheroe, Longridge and Whalley and, to a lesser extent, the more sustainable Tier 1 settlements (that includes Read/Simonstone). Within the explanatory text of DS1 is a table that specifies the following:

- (1) The total number of houses required for each settlement over the plan period – for Read/Simonstone this is 45 dwellings.
- (2) Commitments up to March 2014 – for Read/Simonstone this is 27 dwellings.
- (3) The residual number of houses required for each settlement – for Read/Simonstone this is 18 dwellings.

From the most recent figures available, the residual requirement for Read/Simonstone remains at 18.

Policy DMG2 of the adopted Core Strategy states that development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.

The application site is located outside (and approximately 320m away from) the settlement boundary of Read/Simonstone as defined in the former Local Plan. It has, however, been recognised that those settlement boundaries are considered to be out of date and it is anticipated that the boundaries are likely to be revised in order to take account of permissions granted since their original adoption and to allow for the allocation of appropriate sites for housing development to meet identified residual needs.

The dwelling that is proposed in this application would be located between the existing dwelling and two proposed dwellings for which there is an extant planning permission. That extant permission was granted prior to the adoption of the Core Strategy on the basis that the site was in a sustainable location within an existing group of dwellings close to the settlement boundary of Read/Simonstone as defined in the former Local Plan. In my opinion, the adoption of the Core Strategy has confirmed the acceptability of this location for the erection of an additional dwelling. Read/Simonstone is classified as one of the more sustainable Tier 1 settlements within the adopted development strategy and presently has a residual of 18 dwellings. Whilst new settlement boundaries have not yet been defined, I consider this location, just outside the settlement boundary as defined in the former Local Plan, to be highly sustainable and appropriate for the erection of one dwelling. For this reason, and in view of the residual requirement for 18 dwellings, I consider the proposed development to be compliant with the adopted development strategy and, therefore, acceptable in principle. The other relevant considerations to the determination of the application will be discussed below.

With regards to the matter of highway safety, reference has been made by a nearby resident to a request made by the Traffic Engineer in relation to the previous application for the provision of a 4.5m wide access with gates inset 5m from Hammond Drive. That previous application was discussed by the Case Officer with the Traffic Engineer. The Engineer agreed that (in the interests of possibly retaining more trees on site) that the proposed driveway, parking spaces and turning area were acceptable as shown on the layout and dimensions given on the plans submitted with that previous application; and that (given the limited amount of traffic at this end of Hammond Drive) it was not necessary for any gates to be set 5m away from the carriageway. He therefore expressed no objections to the application and permission was accordingly granted on the basis of the submitted plans.

In this current application, the previously approved access point is utilized. No alteration are proposed to the access but additional areas of hard standing are to be creating in order to enable the designated spaces for both the occupants of the proposed new dwelling and the existing property, no 8. A turning-head is also to be created immediately to the north of the proposed dwelling allowing future occupants to manoeuvre easily within the site.

The traffic engineer has expressed no objections to the current proposal on highway grounds. He does, however, mention the possibility of problems during construction works. This was addressed in a previous application by a condition requiring the approval of a Construction Method Statement and compliance with its requirements throughout the period of construction works. The same condition would be imposed in the event that this current application is approved.

With regards to the amenities of nearby residents, the only properties that would be in any way affected by the development are the applicants own property, no 8, the previously approved two dwellings and properties to the north, nos 1 and 2 Read Hall Cottages. The proposed dwelling is sited beyond the rear (south) elevations of both the existing no 8 and the nearest of the approved dwellings (plot 2). In my opinion, the distance from no 8 and the oblique angle from plot no 2 ensures that all three properties would benefit from a sense of openness to the rear of the development and would have an appropriate level of privacy. The proposed dwelling would also, in my opinion, not have any overbearing effects or result in loss of light to either of the adjoining existing and proposed properties.

The previous application was considered to be acceptable with regards to the amenities of the occupiers of 1 and 2 Read Hall Cottages. The dwelling proposed in this current application is further away from those neighbouring properties and is on lower ground than the previously approved dwellings. The proposal, in my opinion, will therefore have negligible (if any) effects upon the residential amenities of the occupiers of those two nearby dwellings.

With regards to the matter of visual amenity, the proposed dwelling has been designed to reflect the appearance and character of the existing dwelling, no 8, and the two approved dwellings. Existing dwellings on Hammond Drive are generally large and have a mixed appearance/character. I consider the proposal to be consistent with the appearance and character of the locality.

An Arboricultural Impact Assessment has been submitted with the application; and the Council's Countryside Officer considers the proposal to be acceptable subject to appropriate conditions.

The previous permission was subject to conditions relating to:

- the submission for approval of details of external materials;
- compliance with the tree survey report/Arboricultural Impact Assessment;
- the submission for approval and subsequent implementation and maintenance of a landscaping scheme;
- the removal of permitted development rights;
- the submission for approval of a Construction Method Statement and compliance with its requirements throughout the entire period of construction works;
- the retention of the existing stone wall on the northern boundary of the site;
- the satisfactory provision and permanent retention of the access driveway, parking spaces and turning areas.

For reasons explained in this report, I consider the proposed development to be acceptable subject to similar conditions to those imposed on the previous permission 3/2013/0513/P.

RECOMMENDATION: That conditional planning permission be granted.

13.08.2014

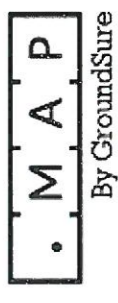
8, HAMMOND DRIVE, BURNLEY, BB12 7RE



Scale: 1:2500 | Area 36Ha | Grid Reference: 376133,434848 | Paper Size: A3



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RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

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Planning Fax: 01200 414487

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2013/0513

DECISION DATE: 17 October 2013

DATE RECEIVED: 29/05/2013

APPLICANT:

Mr M Harrison
8 Hammond Drive
Read
Lancashire
BB12 7RE

AGENT:

JWPC Limited
1B Waterview
White Cross
Lancaster
Lancs
LA1 4XS

DEVELOPMENT Proposed erection of 2no. detached dwellings.

PROPOSED:

AT: 8 Hammond Drive Read Lancashire BB12 7RE

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

2. The permission shall relate to the development as shown on Drawing Numbers 4285-02 and 4285-03A

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. The development shall be carried out in accordance with the Tree Survey Report by Iain Tavendale dated 15 April 2013 that was submitted with the application and the submitted proposed site Plan (Drawing Number 4285-03A. Prior to the commencement of any development works including delivery of building materials and excavations for foundations or services, all trees identified for retention in that Report and Drawing Number shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

The root protection area shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone. In addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented with out prior written permission of the Local Planning Authority, which will only be granted when the Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and will be carried out by an approved arboricultural contractor.

Reason: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The development hereby permitted shall not be commenced until details of the landscaping of the site (including the retention of existing trees as required by condition no.4) have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall include an appropriate number and species of trees to replace those trees that are to be felled as part of the proposed development scheme.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

Reason: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

7. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

8. Notwithstanding the provisions Schedule 2 Part 40 Classes A-I of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, or any Order revoking and re-enacting that Order, no microgeneration equipment shall be attached to the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

9. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:

- 1.the parking of vehicles of site operatives and visitors;
- 2.loading and unloading of plant and materials;
- 3.storage of plant and materials used in the construction of the development;
- 4.the erection and maintenance of security fencing;
- 5.wheel washing facilities;
- 6.measures to control the emission of dust and dirt during construction;
- 7.a scheme for recycling/disposing of waste resulting from construction works.
- 8.Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made);
- 9.Measures to ensure that construction vehicles do not impede adjoining accesses;

The approved construction method statement shall be adhered to throughout the entire period of construction works.

Reason: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

10. The existing stone wall on the northern boundary of the site to Hammond Drive shall not at any time be demolished in whole or in part , nor shall it be altered in any way, without the prior written permission of the Local Planning Authority.

Reason: In order to ensure the protection of this historic feature of the locality, in the interests of visual amenity, the amenities of existing nearby residents and highway safety and in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

11. Prior to the first occupation of either of the dwellings hereby permitted, the new access driveway, parking spaces and turning area shall all have been formed within the site, in accordance with the details shown on Drawing Number 4285-03A. Thereafter, these facilities shall be retained permanently available for their designated use.

Reason: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development .

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application
3. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

Land at Hammond Drive, Read, Clitheroe



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