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## Appeal Decision

Site visit made on 20 November 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 December 2018**

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**Appeal Ref: APP/T2350/W/18/3209520**

**Croftlands, Broad Meadow, Chipping PR3 2GH**

- 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 Ms J and I Seed against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0303, dated 4 April 2018, was refused by notice dated 21 June 2018.
  - The development proposed is the erection of four dwellings (three net new dwellings).
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Ms J and I Seed against Ribble Valley Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The description of development in the heading has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed even though a different description of development is set out on the Decision Notice. I have considered the appeal on this basis.
4. Due to the position advanced by the Council in their Appeal Statement, and as a result of the Council publishing its revised Housing Land Availability Study, I provided the appellant with an opportunity to comment on the Council's revised position that they could now demonstrate a five year supply of deliverable housing sites as required by paragraph 73 of the National Planning Policy Framework (the Framework). I have had regard to the parties' submissions in reaching my findings.

### Main Issues

5. The main issues are: (i) whether the development would accord with development plan policies relating to the location of development in the Borough; (ii) the effect of the proposed development on the character and appearance of The Forest of Bowland, an Area of Outstanding Natural Beauty (AONB); and (iii) whether occupants of the proposed development would have reasonable access to services and facilities.

## Reasons

### *Location of development*

6. Chipping is identified in Key Statement DS1 of the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley (Local Plan) as a Tier 2 Village settlement. The settlement boundary for Chipping is currently set by the now superseded Districtwide Local Plan (1998- 2014). Only part of plot 4 of the appeal scheme would be within the settlement boundary of Chipping. The rest of the appeal scheme would be in the open countryside. I note the emerging Housing and Economic Development - Development Plan Document (HEDDPD) proposes changes to the existing settlement boundary to reflect housing commitments and development which has taken place since the adoption of the current settlement boundary in 1998. The effect of the change, if found 'sound' would mean that plot 4, and part of plot 3 would be within the settlement boundary. However, the HEDDPD is not yet the settlement boundary of Chipping.
7. Key Statement DS1 states that development will need to meet proven local needs or deliver regeneration benefits. Local Plan Policy DMG2 says that within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the considerations listed. The proposal would not fulfil any. As the majority of the site is in the open countryside and the AONB, Local Plan Policy DMH3 states that development will be limited to: development essential for the purposes of agriculture or residential development which meets an identified local need. The proposal is not for the purposes of agriculture nor is it for an identified local need.
8. However, planning permission has been granted for three dwellings (Ref: 3/2013/0571). Two of the approved dwellings are outside the appeal site, and the settlement boundary. Both dwellings are nearing completion. The slab and footings of the third dwellings are in situ within the appeal site, and outside the settlement boundary. The appeal scheme, if allowed, would mean that the third dwelling would not be implemented, as the proposed layout would supersede the extant layout in terms of the siting and layout of plot 4 and the vehicular access from Broad Meadow. I accept that planning permission has been granted for a dwelling outside the settlement boundary roughly in the location of plot 4, and that the proposal would lead to a similar conflict with the Council's development strategy if the extant planning permission was built out. However, the two schemes are fundamentally different in terms of the quantum of houses proposed, their position, design and layout.
9. I conclude, on this issue, that the extent planning permission does not justify or outweigh the conflict that the proposal would cause as a result of it not being in accordance with development plan policies relating to the location of development in the Borough. Thus, the proposal would conflict with Local Plan Key Statement DS1 and Local Plan Policies DMG2 and DMH3.

### *The Forest of Bowland AONB*

10. Key Statement EN2 confirms that the landscape and character of the Forest of Bowland AONB will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area. The Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials. Local Plan Policies DMG1 and DMG2 seek a

high standard of building design that is in keeping with the character and appearance of the landscape and its special qualities, having regard to the economic and social well-being of the area.

11. I note the Council's view about the proposal's effect on the AONB is not supported by an objection from the AONB unit. However, in any event, Framework paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. Moreover it says that the scale and extent of development within these areas should be limited.
12. Chipping is washed over by the AONB which has a strong local distinctiveness, formed by its large-scale open moorland character of the Bowland Fells, traditional buildings and settlement patterns of villages, hamlets and farmsteads. Natural and cultural heritage in the AONB is sympathetically managed. This contributes to a sustainable and vibrant local economy.
13. The appeal site is at the edge of the nucleated settlement of Chipping. A mixture of trees, shrubs and hedgerows bound the site on three sides, with intermittent gaps on the north and west boundaries. Public right of way No 96 extends along the site's eastern boundary, linking Broad Meadow to an open rural landscape and the grassy hillside of Parlick in the distance. Thus, the site forms a transition between the built form of Chipping and the rural landscape.
14. Each of the proposed dwellings would be two storeys high and face inwards towards a small cul-de-sac. Plots 1 and 2 would be linked by single storey garages. Plot 3 would have a four bay car port to the south, while plot 4 would be to the west of Croftlands. Garages and carports could allow vehicles to be hidden from view, but future occupants could not be forced to use them to park their vehicles. The proposed dwellings would be of a high-quality design and they would be constructed using traditional building techniques and appropriate materials. Collectively, however, they would introduce a suburban pattern of development of a scale and mass that would not respond to the visual openness of the site and its surroundings. Large curtilages associated with each dwelling and large areas of hardstanding would further affect this. While each dwelling would offer a spacious environment, the removal of permitted development rights would only mitigate the effect of domestic paraphernalia so far. Domestic items such as washing lines, children's play equipment and BBQ's would be inevitable and lead to a suburban character which would be harmful to the landscape and character of the Forest of Bowland AONB.
15. Balanced against this is the introduction of new tree and hedgerow on the northern boundary which would increase the ecological value of the land holding by 100%; and the lack of any unacceptable ecological impacts. Thus, the proposal would enhance the immediate setting of the site, and contribute to conserving and enhancing the natural beauty of the AONB.
16. Notwithstanding this, the extant planning permission for the part of the site and the nearby dwellings, the appeal scheme, on the whole, would not protect, conserve or enhance the AONB as the additional dwellings proposed would harm the transition from the settlement to the open rural landscape. I therefore conclude, on this issue, that the proposed development would have a significant effect on the character and appearance of The Forest of Bowland

AONB. As a result, the proposal would conflict with Local Plan Key Statement EN2, Local Plan Policies DMG1 and DMG2, and Framework paragraphs 170 and 172; which jointly, attach great weight to conserving and enhancing landscape and scenic beauty in the AONB with high-quality development that is in keeping with the character of the landscape, and reflects local distinctiveness, vernacular style and scale.

### *Services and Facilities*

17. The appeal scheme would be situated just beyond the head of Broad Meadow, a cul-de-sac serving residential properties. The road has a lit pedestrian footway along the western side of the carriageway leading down to Club Lane which offers a lit vehicular and pedestrian route into the centre of the village and the services and facilities that Chipping has to offer.
18. According to the appellant's evidence, based on the Chartered Institution for Highways and Transportation document entitled 'Providing for Journeys on Foot', future occupants would be able to access the range of services and facilities in Chipping on foot within the 'Preferred Maximum' in each case, with the majority falling within the 'Acceptable' and 'Desirable' criteria. The development would not therefore be isolated, and future occupants of the dwellings would be able to walk to services and facilities in the village, thereby supporting the local economy. While this does not mean that future occupants would not use a private car, they would not be wholly reliant on one to serve their everyday needs. There would also no adverse effects to highway safety.
19. I conclude, on this issue, that the proposed development would accord with Local Plan Key Statement DMI2 and Local Plan Policy DMG3; which jointly, seek to minimise the need to travel, incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car. The Council cite Local Plan Policy DMG2 on this issue, but it is not relevant to this issue.

### **Conclusion**

20. In commenting on the Council's revised position, it is the appellant's view that the Council cannot demonstrate a five year supply of deliverable housing sites. The appellant's stance calls into question a number of sites which contribute to the Council's stated supply; the removal of a 10% slippage allowance; and the use of a 5% buffer and not a 20% buffer that was applied in the Longridge appeal decision<sup>1</sup> in May 2018.
21. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, having regard to Framework paragraph 11 d) i and footnote 6, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed regardless of the scheme's benefits from the provision of additional housing.
22. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR

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<sup>1</sup> Appeal Decision Ref: APP/T2350/W/17/3186969