



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

Appeal Ref: APP/T2350/W/18/3210850

Wiswell Brook Farm, Moor Side Lane, Wiswell BB7 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steven Smith against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0537, dated 7 June 2018, was refused by notice dated 3 August 2018.
 - The development proposed is the erection of 1no. self-build dwelling and associated work.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Steven Smith against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved for future consideration, except for access. Indicative plans have been submitted. These have formed part of my consideration of this appeal.
4. The Council, following the publication of its revised Housing Land Availability Study changed its position in respect of being able to demonstrate a five year supply of deliverable housing sites as required by paragraph 73 of the National Planning Policy Framework (the Framework). As a result, I provided the appellant with an opportunity to comment on the Council's revised position. I have had regard to the parties' evidence 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; and (ii) whether future occupants of the proposed development would have reasonable access to services and facilities.

Reasons

6. The appeal site is a plot of greenfield land located off Moor Side Lane. The southern part of the site is within the defined settlement boundary of Wiswell, but the rest is outside the current settlement boundary, and in the open

countryside. Until the Housing and Economic Development - Development Plan Document is found 'sound' and adopted, the settlement boundary for Wiswell is that shown on the Proposals Map published with the now replaced Districtwide Local Plan. I do, however, understand that no changes are proposed to the established settlement boundary. Wiswell is a Tier 2 Village settlement in Key Statement DS1 of the Core Strategy 2008 – 2028 A Local Plan for Ribble Valley (Local Plan). Moor Side Lane and public right of way No 11 gradually rise up from Pendleton Road. Detached residential dwellings in large landscaped plots are either side of the lane. Between the site and Wiswell Brook Farm is a public right of way (No. 15). Moorside and 14 and 16 Leys Close adjoin the site.

Location of development

7. Local Plan Key Statement DS1 states that development will need to meet proven local needs or deliver regeneration benefits. It continues by saying that development that is for identified local needs or satisfies neighbourhood planning legislation will be considered in all the borough's settlements, including small-scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding-off of the built up area. Local Plan Policy DMG2 explains that within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the considerations listed. Policy DMH3 reflects the approach of Policy DMG2.
8. The parties' dispute focusses on whether the development would be local needs housing. The Glossary in the Local Plan defines this as housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment. I am informed by the Council that there is no Housing Waiting List for Wiswell, but having regard to the other two documents the proposal does not accord with the Local Plan's definition. I shall consider the merits of a self-build dwelling later in my decision, but the appellant does not dispute the Council's view that the scheme would not deliver regeneration benefits.
9. It is, however, reasonable to assess whether harm would arise from a dwelling being built on the site in this location. The site is sandwiched between existing residential development and the lane. These, along with variable ground levels and vegetation distinguish the physical extent of the site, and significantly constrain its visual contribution to the open countryside. The proposal would be an infill development. There is also no reason for me to believe, as all other matters are reserved for future consideration, that the dwelling could not be designed and sited to respond to the character and appearance of the area, whilst maintaining the leafy context that characterises the site's vicinity. In this regard, the proposal would not conflict with the Council's aim to protect the open countryside from sporadic or visually harmful development.
10. I conclude, however, that the appeal scheme would conflict with Key Statement DS1, DMG2 and DMH3, which set out the Council's approach to the location of development in the Borough. The Council cite Key Statement DS2 in relation to this issue. I shall turn to this later in my decision.

Services and Facilities

11. The village lies between two of the Borough's three Principal Settlements of Whalley and Clitheroe. Both offer a range of services and facilities, unlike

Wiswell which offers a limited range of services and facilities for everyday needs. Future occupants would need to travel further afield regularly. However, this reflects the existing situation for neighbouring residents, and more generally for the population of Wiswell. Framework paragraph 103 states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

12. Car journeys to and from the village to Clitheroe and Whalley would use Wiswell Shay and Whiteacre Lane. Both offer convenient routes. The site is accessed using a narrow tarmacked lane. This would offer a safe and convenient access route with reasonable visibility splays at the lane's junction with Pendleton Road. Planning conditions could also be used to ensure vehicles enter and leave the site in forward gear given the limitations of the lane.
13. Although the lane is a public footpath, it is not lit and its gradient would mean that journeys made on foot and by bicycle would not be suitable for every potential future occupant. The nearest bus stop is around a mile away, albeit school bus services stop centrally within the village. Future occupant's journeys to and from the bus stop would be along an un-lit lane with no footway. I recognise that roads nearby do not have footways and there are no records of accidents, but journeys outside of the village would be especially unattractive during the hours of darkness or during inclement weather. Hence, despite the site's proximity to the public right of way network and the Southern Loop Cycle Route (Lancashire Cycleway Route 91), the proposed development would not minimise the need to travel; offer choice for people to walk and cycle; or provide convenient links to public transport. Future occupants would be heavily reliant on journeys by private car.
14. Notwithstanding the site's location, I conclude, on this issue, that future occupants of the proposed development would not have reasonable access to services and facilities. The proposal would not 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.
15. The Council refer to Local Plan Policy DMG2 on this issue, but it is not relevant to the consideration of travel and accessibility to services and facilities.

Planning Balance

16. Notwithstanding whether the Council can demonstrate a five year supply of deliverable housing sites, it is the appellant's position that the Local Plan is silent in terms of the provision of self-build housing. The term 'silent' is not defined, but the Local Plan is not silent on the Council's approach for development proposals for housing in the Borough, particularly in relation to their location. Hence, the Local Plan contains a body of policy relevant to the proposal at hand to enable the scheme to be judged against.
17. However, subsequent changes to national policy and guidance together with The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) 'the Act' do in my view, regardless of the Council's position in respect of housing supply, mean that the development plan policies cited in respect of the appeal scheme are out-of-date as they are based on delivering housing across the Borough in certain locations and where they meet at least one of several considerations.

18. In these circumstances, for decision-taking, Framework paragraph 11 d) states that: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Local Plan Key Statement DS2 takes a similar approach in setting out that the Council will grant permission in such circumstances unless material considerations indicate otherwise.
19. The Act requires local planning authorities to establish local registers of custom-builders who wish to acquire suitable land to build their own home. Local authorities need to have regard to the demand on their local register and give enough suitable development permissions to meet the identified demand when exercising their planning and other relevant functions. Framework paragraph 61 says that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes people wishing to commission or build their own homes. Such housing can be either market or affordable housing.
20. The appellant lives in Wiswell directly next to the site. The Council confirm that the appellant has been on the local authority's self-build register since 10 November 2017. The Act is not explicit in terms of the requirement to meet demand in areas, settlements or locations whereby demand is registered, but there is a need for authorities to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period. The first base period ended on 30 October 2016, with each subsequent base period being the period of 12 months beginning immediately after the end of the previous base period. I do not have details of whether other people are on the self-build register, but the Council does have some time yet to grant permission to specifically meet the identified demand confirmed by the appellant's entry on the register.
21. The appeal scheme would be a windfall development that would contribute to meeting the Borough's housing requirement. There is also no ceiling on the provision of housing, and the scheme could, pending a grant of reserved matters be built-out relatively quickly. Furthermore, the proposal would support the appellant's wish to commission or build their own home on a site physically well-related to Wiswell, and the dwelling could be suitably design so that it would be sensitive to its surroundings and the intrinsic character and beauty of the countryside. While the scale of the proposal is modest, I give the housing provision moderate positive weight due to the Framework's objective of significantly boosting the supply of homes where it is needed, and as the scheme would specifically address the self-build requirement of the appellant.
22. Limited positive benefits would also stem from the proposal which would contribute to the economic, social and environmental objectives through the provision of jobs and spending during the construction phase; spending in the local economy by future occupants; the efficient use of land; the protection of the natural environment; and the provision of car parking and access.
23. The scheme would not have an unacceptable impact on local roads, and the public footpaths would remain available for use. However, the scheme would lead to issues in terms of access on foot, by cycle or by public transport. There would also be a high reliance on the private car. Framework paragraph 84 states that planning policies and decisions should recognise that sites to meet

local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Even so, I attach significant negative weight to the social and environmental objectives as a result of my findings in the second main issue. The proposal's location would cause limited harm, albeit the effect on the countryside would carry a neutral weight in the planning balance.

Conclusion

24. I have concluded in my main issues that the proposal would be contrary to Local Plan Key Statements DS1 and DMI2 and Local Plan Policies DMG2, DMG3 and DMH3. Limited and significant harm would stem from these conflicts respectively. Balanced against this is the scheme's contribution to the supply of housing, and the provision of a self-built plot to which I have given moderate weight, and the other considerations which carry limited weight.
25. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Thus, in applying Local Plan Key Statement DS2 and Framework paragraph 11(d) ii, planning permission should not be granted and the proposal would not represent sustainable development.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR