



Ribble Valley
Borough Council

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TOWN & COUNTRY PLANNING ACT 1990

PLANNING INSPECTORATE REFERENCE:	APP/T2350/W/19/3223816
LPA APPLICATION REFERENCE:	3/2018/0582
NGR:	SD 376631 443898

**APPEAL BY NEST HOUSING
AGAINST THE REFUSAL BY
RIBBLE VALLEY BOROUGH COUNCIL TO GRANT PERMISSION IN PRINCIPLE FOR
THE ERECTION OF UP TO NINE DWELLINGS AT LAND TO THE SOUTH OF
CHATBURN OLD ROAD, CHATBURN.**

**STATEMENT OF CASE SUBMITTED
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

1. INTRODUCTION

1.1 This is an appeal lodged against the Council's decision to refuse permission in principle for the erection of up to nine dwellings at land to the south of Chatburn Old Road, Chatburn. The Council's Planning and Development Committee resolved to refuse the planning application at the meeting on 6 September 2018 in line with the Officer's recommendation for the following reason:

1. *The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

2. THE PROPOSED DEVELOPMENT

2.1 The planning application sought permission in principle for the erection of up to nine dwellings at land to the south of Chatburn Old Road, Chatburn. As the Inspector will be aware, the permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

3. APPEAL SITE AND SURROUNDING CONTEXT

3.1 The appeal site is a greenfield site located to the south of Chatburn Old Road, Chatburn. The site slopes down in level towards the east and south and is mainly grassland with bushes and trees along its boundaries, some of which are protected by Tree Preservation Order. The site is bounded to the south-west by existing residential properties along Crow Tree Brow (C580) and to the north west are existing residences facing Chatburn Old Road. The site boundary to the north follows the boundary of a residential development of 10 dwellings approved under planning

consent 3/2011/0025 and later planning consent 3/2014/0618 (varied by planning consent 3/2016/0748) which is currently under construction. To the west of the site is Lanehead Quarry.

- 3.2 The majority of the site is located outside of but adjacent to the settlement Chatburn. The appeal site is located predominantly in the open countryside.

4. RELEVANT PLANNING POLICY & GUIDANCE

- 4.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014). Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the development plan unless other material considerations indicate otherwise.

Adopted Ribble Valley Core Strategy

- 4.2 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014 and is therefore the framework for development across the Borough on which all planning decisions should be based.
- 4.3 The Development Strategy for the Borough is set out in Key Statement DS1 of the Core Strategy and states that:-

'The majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe towards the A59 and the principal settlements of Clitheroe, Longridge and Whalley.'

- 4.4 In addition to the strategic site at Standen and the borough's principal settlements, development will be focused towards Tier 1 Villages, which are the more sustainable of the 32 defined settlements. Key Statement DS1 identifies Chatburn as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that:-

'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to

serve the development and the extent to which development can be accommodated within the local area.'

- 4.5 The appeal site lies outside the Chatburn settlement boundary in an area defined as open countryside. Core Strategy Policy DMG2 (Strategic Considerations) states that:-

'Development should be in accordance with the Core Strategy development strategy and should support the spatial vision.

- 4.6 The spatial vision and Key Statement DS1 of the Core Strategy seek to balance the requirements of development needs and environmental considerations, recognising the intrinsic character and appearance of the countryside, as well as providing for development needs. Policy DMG2 continues:-

1. 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.

- 4.7 This part of Policy DMG2 does not apply to the appeal proposal as the development site is not within a Tier 1 Village, but is in the open countryside. Development in the open countryside is dealt with by the following part of the policy:-

Within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

6. *The development is compatible with the enterprise zone designation.*

- 4.8 As the appeal site lies primarily outside a defined settlement area it must meet at least one of the considerations listed in Policy DMG2. Policy DMG2 concludes by setting out the consideration that should be given to the natural environment.

Within the Open Countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.

In protecting the designated area of outstanding natural beauty the council will have regard to the economic and social wellbeing of the area. However the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting. The AONB management plan should be considered and will be used by the Council in determining planning applications. For the purposes of this policy the term settlement is defined in the glossary. Current settlement boundaries will be updated in subsequent DPDs.'

- 4.9 Core Strategy Policy DMH3 relates specifically to dwellings in the open countryside and AONB. Policy DMH3 reads:-

Within areas defined as Open Countryside or AONB on the proposals map, residential development will be limited to:

1. *Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any*

proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.

2. *The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*
3. *The rebuilding or replacement of existing dwellings subject to the following criteria:*
 - *the residential use of the property should not have been abandoned.*
 - *there being no adverse impact on the landscape in relation to the new dwelling.*
 - *the need to extend an existing curtilage.*

The creation of a permanent dwelling by the removal of any condition that restricts the occupation of dwellings to tourism/visitor use or for holiday use will be refused on the basis of unsustainability.

- 4.10 In order to satisfy policies DMG2 and DMH3 in principle residential development in the open countryside or AONB must meet an identified local housing need or one of the other criteria, none of which would apply in this case.

Emerging Housing and Economic DPD

- 4.11 The settlement boundaries for the Borough have been reviewed and are contained on the emerging Proposals Map that was formally submitted, alongside the Council's Housing and Economic Development (HED) DPD, to the Secretary of State on 28 July 2017. The draft settlement boundaries which form part of the HED DPD were adopted by the LPA for Development Management purposes as of December 2016. Prior to this the settlement boundaries used for Development Management purposes pre-dated the Core Strategy and were part of the District Wide Local Plan (Adopted June 1998). These settlement boundaries were not amended during consideration of the Core Strategy.
- 4.12 The settlement boundary for Chatburn has been reviewed in accordance with the Interim Settlement Boundary Definition Topic Paper (March 2016) which formed part of the HED DPD evidence base. No extension of the settlement boundary in Chatburn is proposed except to take in existing development or commitments.

- 4.13 As set out by paragraph 48 of the NPPF, weight may be given to relevant policies in emerging plans according to its stage of preparation; the extent to which there are unresolved objections to relevant policies and; the degree of consistency of the relevant policies in the emerging plan to the Framework.
- 4.14 The emerging Proposals Map for the Borough has yet to be formally adopted by the Local Planning Authority. Whilst the hearings into the HED DPD (including Proposals Map) concluded week ending 25 January 2019 it may still be subject to change. The draft settlement boundary for Chatburn therefore can only attract limited weight in the decision making process.
- 4.15 Nonetheless, as stated above, no extension of the existing settlement boundary of Chatburn is proposed in the HED DPD except to take in existing development or commitments. It is considered that there is sufficient land available within the settlement of Chatburn as defined on the existing Districtwide Local Plan map to accommodate at the dwellings required to satisfy the agreed minimum housing requirement until 2028 without extending the settlement boundary onto adjacent open countryside.
- 4.16 Taking into consideration the above, it is considered that the existing settlement boundaries that were part of the District Wide Local Plan can continue to be afforded weight in the plan making process, particularly since no revisions are envisaged as necessary in the settlement as part of the Council's allocation work.

National Policy Context

- 4.17 The National Planning Policy Framework is the most up to date national planning policy context for the appeal application and is therefore a material consideration in planning decisions.
- 4.18 Paragraph 8 of the National Planning Policy Framework identifies three dimensions to sustainable development (economic, social and environmental). In securing sustainable development, paragraph 11 makes clear that for decision taking purposes this means, unless material considerations indicate otherwise:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.”

4.19 The NPPF at paragraph 15 reaffirms that the planning system should be genuinely plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise whilst the Framework remains a material consideration in planning decisions. This is supported by paragraph 9 of the Framework which sets out that whilst the objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.20 The NPPF seeks to boost the supply of housing. This should not however be at any cost and there is a requirement to consider development proposals against the three dimensions of sustainable development. The NPPF at paragraph 73 contains the requirement for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. If the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test indicates that delivery of housing has been substantially below the housing requirement over the previous three years then the presumption in favour of sustainable development will apply.

5. CASE OF THE LOCAL AUTHORITY

- 5.1 The October Housing Land Availability Survey (HLAS) (published 19 November 2018) evidenced that the Council could demonstrate a 6.1 year supply of housing land with a 5% buffer. At the recent Henthorn Road appeal inquiry which ran from 8 May – 10 May 2019 the Council agreed that the five year housing land supply was 5.75 years with a 5% buffer. The use of a 5% buffer is supported by the recently published revised NPPF.
- 5.2 Regarding this appeal case the appellant's statement does not seek to challenge the LPAs position that it can demonstrate a five year supply of housing land and therefore it can be concluded that the appellant is in agreement on this matter. Furthermore no reference is made by the appellant to the Housing Delivery Test (HDT) and therefore the development plan policies relevant to the appeal can be given full weight.
- 5.3 Core Strategy Key Statement DS1 'Development Strategy' is supported by a reasoned justification that includes table 4.12. Table 4.12 identifies a broad pattern of distribution for new housing development expressed as an anticipated number of homes to be required in each settlement over the plan period to meet the minimum delivery target of 5,600 dwellings, estimated at an annual target of 280 dwelling per year as set out in Key Statement H1: Housing Provision. In relation to residual housing need for the settlement of Chatburn, table 4.12 identifies a minimum requirement for 18 houses within the settlement over the plan period (2008-2028). It is recognised that the housing numbers contained in table 4.12 are minimum requirements.
- 5.4 The Council accepts that the provision of up to 9 dwellings in the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards Chatburn, a Tier 1 Village.
- 5.5 Notwithstanding the above, according to the latest Housing Land Availability Statement (HLAS) since the start of the Core Strategy plan period a total of 10 dwellings have been built in Chatburn up to 30th September 2018 and a total of 16 dwellings had extant planning consent in the settlement at that point in time. Taking this into account, one additional dwelling would be required in Chatburn to meet the minimum housing requirement in table 4.12. It is considered that there is sufficient

land available within the settlement of Chatburn to accommodate one new dwelling required to satisfy the minimum housing requirement until 2028 without extending the settlement boundary onto adjacent open countryside.

- 5.6 The appellant's statement, at paragraphs 6.16-6.22, focuses on the wording of Policy DMG2, in particular the requirement that "*development 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.*" [my emphasis]
- 5.7 It is the appellants understanding that inclusion of the words 'consolidation' and 'expansion' in Policy DMG2 implies that development in the open countryside on the edge of principal settlements and Tier 1 Villages is acceptable in principle. It is however clear from the wording of subsection 1) of Policy DMG2 that it relates only to development 'in' the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages. The use of the word 'in' is explicit, meaning development proposals in or 'inside' the settlement boundary. This interpretation of the policy has been adopted by Planning Inspectors in the determination of appeal cases for residential development in the open countryside on the edge of Tier 1 Settlements.
- 5.8 In the case of Hammond Ground, Read (APP/T2350/W/17/3185445), consent was sought for the erection of 50 new dwellings on land adjoining but outside of the defined settlement boundary. In dismissing the case the Inspectors report (appendix 1) at paragraph 9 states, "*CS Policy DMG2 states that development should be in accordance with the CS development strategy and support the spatial vision. The appeal site is situated outside of the defined settlement boundary adjacent to the village of Read and it is common ground that it is within the 'countryside'. Policy DMG2 also includes that within the open countryside, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area. Whilst the policy makes provision for development proposals in Tier 1 settlements that should consolidate, expand or round-off development so that it is closely related to the main built up areas, the appeal site in this case is not in the defined settlement boundary.*" The Inspector continues at paragraph 14, "*I agree that the Tier 1 settlement of Read and Simonstone is tightly constrained by the defined settlement boundary and I note the limited opportunities for housing development within the settlement. I also have had regard to the development on greenfield sites*

which is contributing towards the existing housing land supply and to the existing settlement boundaries which might not be sufficiently contributing to the five year housing land supply. Nevertheless, the appeal site is situated in the countryside and not within the settlement of Read and Simonstone as defined by the settlement boundary. Consequently, the appeal scheme conflicts with CS Policies DMG2 and DMH3.”

- 5.9 In a separate appeal case (APP/T2350/W/18/3202044), also on the edge of the settlement of Read, outline consent was sought for the erection of two dwellings. The appeal inspector in her report also considered the meaning of the wording within Policy DMG2. Paragraphs 6-7 of the report (appendix 2) states, *“The consolidation, expansion or rounding off of development referred to in policy DMG2 applies only to development in the settlements referred to (my italics) and I disagree with the appellant that the wording in Key Statement DS1 ‘towards’ could reasonably mean ‘outside’, notwithstanding that there are circumstances in which exceptions can be made where material considerations outweigh the policy conflict as accepted by the Council in its statement (developments at Hammond Drive, Read). The proposal therefore clearly conflicts with Key Statement DS1.*

Whilst the development would make a limited contribution to the local economy and social well-being of the area, I have no compelling evidence that it is essential for the vitality of the community. Moreover, it is clear that the proposal would not meet any of the other exceptions defined in the Council’s policies DMG2 and DMH3.”

- 5.10 It is clear from the above that the argument advanced by the appellant on this point is flawed. The remainder of Policy DMG2 relates to land *“Within the Tier 2 Villages and outside the defined settlement areas”*, i.e. all land outside of the principal settlements and Tier 1 Villages. Given that the appeal site lies predominantly outside of the existing and emerging settlement boundary for Chatburn in the open countryside it thus falls to be considered against the second part of the Policy where development must meet at least one of six considerations none of which apply to the appeal proposals.

6. PLANNING BALANCE AND CONCLUSION

- 6.1 Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the development plan unless other material considerations indicate otherwise. As set out above, the proposal fails to accord with the development plan. The proposed development is located within the open countryside where there is a requirement for development to meet an identified need for local needs housing or one of the other exceptions specified in Core Strategy policies DMG2 and DMH3, none of which would apply in this case. As such, the development is contrary to Core Strategy policies DMG2 and DMH3.
- 6.2 The development site breaches the existing settlement boundary for Chatburn as shown on the Districtwide Local Plan (1998) Proposals Map and the draft settlement boundaries shown on the emerging Proposals Map that are at an advanced stage of preparation alongside the HED DPD. No extension of the settlement boundary in Chatburn is proposed except to take in existing development or commitments. Having regard to residential development, the HED DPD proposes the allocation of seven housing sites earmarked to deliver 260 new dwellings. These are the only extensions to the settlement boundaries that are required to accommodate new residential development.
- 6.3 It is recognised that Ribble Valley is an area of high housing demand and that this proposal would provide some benefits to the local community. However, the proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area.
- 6.4 Comments relating to housing supply over the plan period at paragraph 6.42 of the appellants statement are noted. The HED DPD is at an advanced stage and the Council is awaiting the Inspectors next steps following the examination hearing sessions in January 2019. The Council considers that there are sufficient existing commitments and proposed allocations to meet the housing requirements over the remaining plan period. In any event the Council will be undertaking a review of the Core Strategy during 2019 a part of the required review process which will provide the most appropriate opportunity to make any adjustments to housing delivery including reviewing the housing requirement in line with the governments standard methodology.

6.5 Taking into account all of the above it is therefore respectfully requested that the appeal be dismissed. In the event, however, that the Inspector is minded to allow the Appeal, the Council requests the imposition of the following informative note.

1. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by an Arboricultural Impact Assessment, Ecology Survey, Drainage Strategy, Noise and Vibration Survey and draft Heads of Terms.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.



Appeal Decision

Hearing held on 9 and 10 October 2018

Site visit made on 9 October 2018

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2018

Appeal Ref: APP/T2350/W/17/3185445

Hammond Ground, Whalley Road, Read BB12 7QN

- 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 the Trustees of Hammond Ground against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/1192, dated 21 December 2016, was refused by notice dated 18 April 2017.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I opened an Inquiry in respect of the appeal on 1 May 2018. The main parties agreed that the Inquiry should be adjourned until 9 October to enable further ecological surveys to be undertaken. In this period of adjournment, the main parties and the Hammond Ground Residents Group were afforded the opportunity to update their evidence in regards to the publication of the revised National Planning Policy Framework (the Framework).
3. Prior to the resumption of the Inquiry, the main parties requested that the procedure be changed to a Hearing due to the narrowing in the areas in dispute between them. The Inquiry resumed on 9 October and I heard submissions on behalf of the Main Parties and the Hammond Ground Residents Group in this regard. After careful consideration, I determined¹ that the appeal should proceed by way of a Hearing. Consequently, I closed the Inquiry and opened a Hearing. The Hearing was adjourned on 9 October after which a site visit was undertaken, with the Hearing being resumed on 10 October.
4. The application is in outline with all matters reserved for future consideration except for access. A site location plan and site access design drawings were submitted with the application. I have had regard to these plans in determining the appeal. Illustrative masterplans showing landscaping and sections² were also submitted. The appellant confirmed at the Hearing that the masterplans were illustrative of just one way in which the site could be developed. Further illustrative plans were submitted in evidence. The appellant confirmed at the Hearing that these plans do not form part of the

¹ Under s319a of TCPA 1990 (as amended)

² 1155-RSP-1 rev C (4/12/2016) and 1155-RSP-2 rev A (4/12/16)

appeal scheme and are intended to show a further way in which the site may be developed.

5. Prior to the Hearing, the appellant provided a signed but undated Planning Obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (S106 UU). The S106 UU includes obligations relating to affordable housing and off site planting provision. A signed copy of the S106 UU was provided after the Hearing was closed.
6. The Council refused the planning application for four reasons. It is common ground between the main parties that the areas of dispute between them have narrowed since the planning application was determined and consequently the Council is not defending reasons for refusal 2 and 4, or reason for refusal 1 in part. These are concerned with the level of development at Read and Simonstone in relation to that anticipated in the development plan and with the development setting a harmful precedent. The Council still pursues its reasons in respect of the effect of the development on the countryside and its effects upon parkland and the setting of the village of Read and the Forest of Bowland Area of Outstanding Natural Beauty. Agreed statements of common ground were submitted which set out the development plan policies that are relevant to the proposal, the matters of agreement and disagreement between the two main parties and in regards to housing land supply.

Main Issues

7. Having had regard to the procedural matters and in light of all that I have read, heard and seen, I consider the main issues for the appeal are:
 - Whether the proposal would comply with the development plan strategy for new housing development in the countryside;
 - The effect of the proposal on the character and appearance of the countryside, with particular regard to the setting of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), Read village and any effects on 'parkland';
 - The effect of the proposal on the setting of nearby listed buildings; and
 - Whether there are material considerations sufficient to outweigh any conflict with the development plan and any other harm arising from the development.

Reasons

Planning policy context and background

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The *Core Strategy 2008-2028, A Local Plan for Ribble Valley* (CS) was adopted in December 2014. CS Key Statement DS1 sets out the settlement strategy for the Borough which includes, amongst other things, that development will be focused towards Tier 1 settlements. Read and Simonstone together are defined as a Tier 1 settlement.
9. CS Policy DMG2 states that development should be in accordance with the CS development strategy and support the spatial vision. The appeal site is

situated outside of the defined settlement boundary adjacent to the village of Read and it is common ground that it is within the 'countryside'. Policy DMG2 also includes that within the open countryside, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area. Whilst the policy makes provision for development proposals in Tier 1 settlements that should consolidate, expand or round-off development so that it is closely related to the main built up areas, the appeal site in this case is not in the defined settlement boundary.

10. CS Key Statement EN2 is concerned with landscape and includes that the landscape and character of those areas that contribute to the setting and character of the AONB will be protected and conserved and wherever possible enhanced. CS Policy DMH3 is concerned with dwellings in the open countryside and the AONB and includes amongst other things that development will be limited to that which is essential for the purposes of agriculture or residential development which meets an identified need. CS Policy DMG1 sets out general considerations for development including amongst other things that all development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. CS Key Statement DS2 sets out a presumption in favour of sustainable development and CS Policy DME2 is concerned with landscape protection and includes that development proposals will be refused which significantly harm important landscape or landscape features.

Emerging development plan

11. The Council's *Housing and Economic Development, Development Plan Document* (HED DPD) has been submitted for examination. The HED DPD provides more detailed policy coverage on the key issues of the CS and includes allocations and settlement boundaries necessary for the implementation of the CS. I understand that the Council has recently been consulting on a number of additional housing allocations in regards to its ability to clearly demonstrate a five year supply of housing sites.
12. Although I have been provided with little specific information, I understand that there are unresolved objections to the relevant policies of the HED DPD and in regards to the proposed allocations. Therefore, having regard to paragraph 48 of the Framework, on the evidence before me, I afford any conflict with the relevant policies of the HED DPD little weight.

Housing land supply

13. It common ground that the Council cannot demonstrate a five year supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirement as set out in the adopted strategic policies³. The Council considered that at the time of the Hearing the supply was equivalent to about 4.9 years (5% buffer) or 4.3 years (20% buffer) whilst the appellant considered that the supply was 4.41 years (5% buffer) or 3.86 years (20% buffer).

³ Hearing document 9

Development plan strategy for new housing development in the countryside

14. I agree that the Tier 1 settlement of Read and Simonstone is tightly constrained by the defined settlement boundary and I note the limited opportunities for housing development within the settlement. I also have had regard to the development on greenfield sites which is contributing towards the existing housing land supply and to the existing settlement boundaries which might not be sufficiently contributing to the five year housing land supply. Nevertheless, the appeal site is situated in the countryside and not within the settlement of Read and Simonstone as defined by the settlement boundary. Consequently, the appeal scheme conflicts with CS Policies DMG2 and DMH3. However, whilst CS Policies DMG2 and DMH3 also contain provisions in respect of the character and appearance of the countryside, in terms of the conflict with the development plan strategy, the lack of a 5 year supply of deliverable housing sites reduces the weight I would apply to any conflict identified with them. I shall return to this in the planning balance.

Character and appearance of the countryside

15. The appeal site forms part of Hammond Ground, an area of land in agricultural use, situated to the west of Read. Hammond Ground has an open character, includes a number of mature trees and has the character and appearance of parkland. It provides an attractive setting to the western part of the village. The western boundary of Hammond Ground is with an area of woodland known as Clough Syke. To the north of Hammond Ground are dwellings along Hammond Drive. The appeal site is bounded by the rear gardens of dwellings on George Lane to the east and by Whalley Road to the south, with its boundary with the remainder of Hammond Ground being unmarked. The site falls generally down towards Whalley Road.
16. Hammond Ground once formed part of the Read Hall Estate, as indicated on the plan of the estate dated 1896 and associated sales particulars. Those sales particulars describe Hammond Ground as 'a valuable enclosure of park land' and refer to 'some enclosures of ornamental plantation'. It is clear from the historic maps produced in evidence, including the 1830 Hennets Map, the Greenwood Map 1830 and first and subsequent editions of the Ordnance Survey, that Hammond Ground was considered cartographically as parkland in the nineteenth Century (C19). At that time, Hammond Ground is shown as being an open area of land with scattered trees, enclosed by woodland to the west, north and to the east of what became George Lane. The photograph provided at the Hearing⁴ indicates a significant stone wall boundary along George Lane. This has not been disputed.
17. I have had regard to the lidar images which indicate former field boundaries on the estate. As I saw during my site visit, the area to the west of Hammond Ground known as 'Front Field' includes a number of distinct plantations as well as isolated trees along former field boundaries and has a greater species mix than Hammond Ground. However, as I observed, the retention of trees on the former field boundaries is not uncommon on land which made up the Read Hall Estate and in this regard I also note the examples of this practice in the wider landscape. I have taken into account that a coal pit was situated within Hammond Ground, but do not consider that the presence of such activity within a country estate to be unusual or to mean that the land should not be

⁴ Hearing document 6

considered as being parkland. Whilst there is no evidence before me which documents the setting out of a designed landscape in the Read Hall Estate, on the balance of probability, I am not convinced that Hammond Ground has developed the appearance of parkland 'accidentally'.

18. Hammond Ground has seen the loss of the planting and boundary walls along George Lane and along Hammond Drive to modern development. However, whilst the site has been altered since C19, it nevertheless is an attractive area of countryside.

Valued landscapes

19. The Council and some local residents consider the appeal site to fall within a 'valued landscape', which is disputed by the appellant. The Framework in paragraph 170 seeks to protect and enhance 'valued landscapes' in a manner commensurate with their statutory status or identified quality in the development plan. The Framework does not define 'valued landscapes' and in terms of paragraph 170, the appeal site is not subject to any statutory or local landscape designation, nor is it identified within the development plan for its particular landscape quality.
20. Having carefully considered the evidence, I am of the opinion that as a greenfield site in the countryside the appeal site has value both in its own right and as part of the wider landscape. I also acknowledge that local residents value the site and the surrounding area. However, this does not necessarily mean that it is a valued landscape in the context of the Framework.
21. Both the appellant and the Council undertook assessments of landscape value against the criteria in Box 5.1 of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) within their landscape evidence. I have had careful regard to these assessments.
22. Whilst Hammond Ground has lost the boundary planting to the north and east as indicated on the historic maps, it retains a number of mature trees which are indicated on the historic mapping and has the character and appearance of parkland. The appellant's arboricultural impact assessment indicates that the common oak trees within or near the appeal site are of moderate or high quality and from what I saw, they together have significant amenity value within the open land at Hammond Ground. I find that the landscape has a good scenic quality with attributes and characteristics which are easily recognisable from the landscape to the south.
23. In terms of rarity, I note that the *Lancashire Historic Landscape Characterisation Programme* identifies the parkland within the 'ancient and post-medieval ornamental' HLCT which covers about 0.5% of the Lancashire Study Area. With regards to conservation interest, Hammond Ground formed part of the Read Hall Estate, within which there is a number of designated heritage assets, a country house, lodge and gates and an ice house.
24. Hammond Ground is not however publically assessable and so has no public recreational value. Given the location of the appeal site adjacent to George Lane and Whalley Road, the perceptual aspects are not of significant value.
25. Overall, the appeal site and the wider Hammond Ground, is not designated nor identified in the development plan for its landscape quality, but scores well against a number of the criteria in Box 5.1 of GLVIA3. Whilst these attributes

are reflective of an attractive area of parkland which has a greater quality than say the improved land to the south, I am not convinced that it is so special or has features of particularly special worth to conclude that it should be regarded as being a valued landscape in terms of the Framework. That said, the Framework in paragraph 170 also sets out that decisions should recognise the intrinsic character and beauty of the countryside.

Landscape effects

26. I have in evidence the appellant's *Landscape and Visual Impact Assessment (LVIA)* submitted with the planning application and at the appeal a *Landscape and Visual Effects Statement*. Further analysis of the landscape and visual baseline has been undertaken for the Council, whilst I also have regard to the representations on behalf of the Hammond Ground Residents Group.
27. The appeal site lies within National Character Area (NCA) 35 Lancashire Valleys. Broadly, this includes that farmland is predominately pasture for grazing livestock and identifies numerous large country houses with associated parklands. The parties agree that the development proposal would have slight effects on this regional landscape, a view with which I concur.
28. Within the Landscape Strategy for Lancashire, the site falls within Landscape Character Type (LCT) 6, Industrial Foothills and Valleys. This includes as key environmental features, hedgerow trees and parkland trees, large country houses and designed parklands. The parties dispute the magnitude of change which would arise from the development, with the appellant concluding that it would be localised and negligible, whilst the Council conclude moderate-substantial in year 1 and moderate by year 15 due to mitigation.
29. The *AONB Landscape Character Assessment (LCA)* includes the appeal site within its study area, and characterised the area within which the appeal site is situated as being 'Undulating Lowland Farmland with Parkland'. The parties disagree as to the landscape effects in regards to this LCA.
30. The character of the site is derived from its open parkland appearance and character, and due to its elevated position above the Calder Valley, there are expansive views across the site to the wider landscape. Whilst there is built development to the north, east and south of Hammond Ground, the appeal site and wider Hammond Ground provide a sharp contrast with the built edge of the village.
31. The appeal scheme is for up to 50 dwellings, accessed via a new access onto Whalley Road situated within the south eastern part of Hammond Ground. I have had regard to the submitted viewpoint assessments and visited the identified viewpoints during my visits to the site. I saw that due to effects of topography and intervening tree and vegetation cover, the most notable visible effects would be experienced at the local level, in and immediately around the village.
32. Hammond Ground currently provides an attractive open parkland setting for this part of the village when viewed from Whalley Road. There are key views of the appeal site from Whalley Road, from where the proposed development would appear very prominent on the edge of the village rising up the slope to the north. The proposed residential development, within part of Hammond

Ground, would erode the parkland character and openness, giving rise to a significant adverse effect upon the setting of the village within the countryside.

33. In addition, there would also be significant adverse visual effects for residents and pedestrians arising from the proposed development from and between properties on George Lane and Hammond Drive, due to the harm to the parkland character and openness of Hammond Ground. The effect upon the wider setting of the village would also be seen from the footpath (3-34-fp8) to the northwest of Houlikers Farm from where the effect of the proposed development on the countryside setting of the village would be appreciated within the extensive views of the wider landscape.
34. Whilst the appeal scheme is in outline with all matters reserved except for access, I have had regard to the indicative master plans. I acknowledge that the development could be set back from Whalley Road, bungalows could be situated on the higher ground, trees retained, properties reoriented to front onto Hammond Ground, a permissive footpath and landscaping provided and a green infrastructure Plan implemented to provide landscape enhancement, as set out in the S106 UU. Whilst the harmful landscape and visual effects could diminish over time as a result of landscaping conditioned by way of a future reserved matters proposal, the proposed mitigation measures would not prevent the development from having substantial harmful effects on the character and appearance of the countryside.
35. Consequently, the proposed development, through the loss of parkland would give rise to substantial harm to the character and appearance of the countryside and the setting of the village and have significant harmful effects upon both the Industrial Foothills and Valleys LCT and Undulating Lowland Farmland with Parkland LCA.

Effects on the Forest of Bowland AONB

36. The Forest of Bowland AONB is situated about 650 metres to the north of the appeal site. From some viewpoints, the proposed development would be seen against the backdrop of the AONB. Whilst the appeal scheme would have an adverse effect upon the 'Undulating Lowland Farmland with Parkland' LCA I do not consider this change would be significantly harmful to the AONB itself, This is because in longer distance views, the development would be seen in the context of the existing settlement, with views filtered by trees.
37. The CS states that over 75% of the area is designated as AONB. Consequently, given the provision of new development in the Borough, it is inevitable that views to or from the AONB would be affected. I do however give great weight to conserving and enhancing the landscape and scenic beauty of the AONB as per paragraph 172 of the Framework. Whilst I agree that the setting of the AONB would change, I am not convinced that the harm to the AONB would be anything more than minor. This does not change my findings on the local landscape however. Given my findings in respect of the AONB, I do not find conflict with CS Key Statement EN2.

Character and appearance conclusions

38. To conclude on this matter, whilst I do not consider that Hammond Ground is a valued landscape as per the Framework or that the appeal proposal would give rise to any more than minor harm to the setting of the AONB, I find that the

appeal scheme would give rise to substantial harm to the character and appearance of the countryside and the setting of the village and would have significant harmful effects upon both the Industrial Foothills and Valleys LCT and Undulating Lowland Farmland with Parkland LCA. The proposal conflicts with CS Policies DMG1, DMG2 and DME2. I also find that the appeal scheme fails to contribute to and enhance the natural and local environment through the identified harm to the intrinsic character and beauty of the countryside.

The setting of nearby listed buildings

39. Read Hall is a grade II* listed building situated to the west of the appeal site. The large house dates from 1818-1825 and is said to be by George Webster of Kendal. The significance of the listed building is mainly derived from its architectural interest, as noted in its listing description. At the junction of Whalley Road and Hammond Drive is situated the grade II listed Lodge to Read Hall and gateposts. These are also said to be by George Webster and their significance is also largely derived from their architectural interest. In addition a grade II listed icehouse is situated to the northwest of Read Hall, the significance of which is principally due to its historic interest.
40. At the time of my site visit, Read Hall was not visible from the appeal site due to intervening mature trees. There was some discussion at the Hearing regarding the visibility of the Hall in winter, but I am not convinced that it would be clearly seen from the appeal site, given the extent of intervening woodland. Hammond Ground was part of the Read Hall Estate and there is therefore an historical association between the appeal site and the listed buildings.
41. Having regard to the definition of setting of a heritage asset in the Framework and the Historic England Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2017, I find that the appeal scheme would cause some modest harm to the setting of Read Hall, due to the loss of parkland. I do not find harm to the settings of the grade II listed Lodge to Read Hall and gateposts or ice house, given the lack of intervisibility or harm to significance.
42. I have also taken into account the potential effect of the appeal scheme on other nearby listed buildings. In regards to the grade II listed Church of St John the Evangelist, this building will continue to be seen within the context of the village and no harm would occur to its significance or setting. In addition, given the separation distances and effects of intervening land and vegetation, I do not find that the settings or significance of the grade II listed Houlker's Farmhouse or the Milestone of Whalley Road would be harmed.
43. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard shall be had to the desirability of preserving listed buildings or their setting. The Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of significance of a designated heritage asset including from development within its setting, should require clear and convincing justification. The harm in this case would however be small. The Framework in paragraph 196 requires that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits. I shall return to this below.

Planning obligations

44. The S106 UU includes obligations relating to affordable housing and off site planting provision. Having had regard to the evidence before me, I am satisfied that the tests set out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations are met in that the obligations would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
45. The Council confirmed that there was no reason under CIL Regulation 123 regarding the pooling of the contributions set out in the S106 as to why I could not take the obligations into account. I do not disagree. I am satisfied with the form and drafting of the Section 106 UU and I therefore take the obligations into account as material planning considerations.

Other matters

46. I have had regard to the comments made about the proposed additional housing provision in the HED DPD but those are matters for the examination of that plan. I also take into account that the Borough is constrained by Green Belt and the AONB and the comments regarding the scale of development which has taken place in the settlement of Read and Simonstone in relation to its size and function, but these matters do not lead me to a different conclusion.
47. The appellant included a number of appeal decisions including decisions by the Secretary of State in evidence⁵. Whilst I have had regard to these, I have little information regarding the evidence which was before those decision makers to determine whether the circumstances in those cases is similar to that before me.

Planning and Heritage balance

48. I have found conflict with CS Policies DMG1, DMG2, DMH3 and DME2. Whilst I afford moderate weight to the conflict with CS Policies DMG2 and DMH3 given the lack of a 5 year supply of housing sites, I consider that the appeal proposal through the identified conflict does not accord with the development plan as a whole. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004.
49. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, though it has demonstrated that in the past 3 years, delivery has exceeded the annualised CS requirement and that it is making efforts to establish a 5 year supply through the HED DPD. I also note that the recent delivery of housing is taking place at a rate which meets the CS requirement and is reducing the historic backlog. The range of figures before me for the supply of housing is between 4.3 to 4.9 years if a 5% buffer is applied to 3.86 to 4.3 years if a 20% buffer is applied. For the purposes of the planning

⁵ APP/C1625/A/13/2207324; APP/G1630/A/11/2146206/2148635/2159796; APP/T2350/A/13/2190088; APP/H1840/A/13/2199426/2199085; APP/R0660/A/13/2209335; APP/N4720/A/13/2200640; APP/C1760/A/14/2222867; APP/R3325/A/13/22096802/2203867; APP/A0665/W/15/3005148; APP/C3105/A/2201339; APP/Y3940/A/14/2222641; APP/T2350/W/17/3174924; APP/J0405/W/16/3152120/3152132; APP/R0660/A/13/2189733; APP/P0119/A/12/2186546; APP/U1105/A/12/2180060; APP/G5180/W/16/3144248

balance, I shall nevertheless assume the position of the appellant of 3.86 years supply in my assessment on a worse case basis.

50. CS Policies DMG2 and DMH3 are reliant upon the settlement boundaries which were produced for the Councils District Wide Local Plan 1998. The strict application of these policies would prevent improvements to the shortfall in the supply of housing and I have taken into account the evidence of development taking place outside of the settlement boundaries in the Borough. The development limits do however continue to mark the edge of the village and the countryside and accordingly I afford conflict with them moderate weight.
51. Paragraph 196 of the Framework requires that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits. In this case, I identify some small harm to the setting of the Grade II* listed Read Hall and I apply great weight to the asset's conservation.
52. The appeal scheme would provide up to 50 dwellings to include bungalows and provision for older people adjacent to a Tier 1 village in an accessible location, 30% of which would be secured by way of the S106 UU as affordable housing. Given the shortfall in housing supply, national policy to significantly boosting the supply of homes and the local need identified for affordable housing in the appellant's assessment, these are significant benefits. The Council and appellant agree, that should I allow the appeal, a shorter timescale should be imposed for the commencement of the development to ensure that it is delivered promptly. Whilst the appeal site is in a single ownership and there is evidence of housing demand locally, there is not clear evidence before me however to demonstrate that housing completions would begin on site within 3 years. Given the scale of the development proposed, I additionally afford limited weight to the generation of employment and increase in spending power locally which would arise from the development. The harm identified to heritage assets would not outweigh these public benefits and in terms of paragraph 11 d) I of the Framework, the application of policies of the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.
53. In Paragraph 11 dii), the Framework sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
54. In this case, the substantial harm which would arise to the character and appearance of the countryside, regardless of any other harm significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework when taken as a whole.
55. Overall, taking account of the Framework, which is an important material consideration and the benefits of the development and all other matters raised, I find that material considerations do not indicate that planning permission should be granted for the development, which is in conflict with the development plan.

Conclusion

56. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Paul G Tucker QC	Of Counsel, instructed by Jane Dickman
Jane Dickman BSc(Hons) Dip TP MRTPI FRGS FRICS	Dickman Associates
Gary Holliday BA (Hons), MPhil, CMLI	FPCR (adopted the evidence of Mr P Rech)
Jo Upton BA (Hons) MTP, MSc, IHBC	Orion Heritage

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Reid	Of Counsel
Nicola Hopkins MRTPI MTCP	Ribble Valley Borough Council
John Macholc BSc Hons, DIP TP, MRTPI, DMS	Ribble Valley Borough Council
Colin Hurst BA (Hons) Dip Png, DMS, MCIM MRTPI	Ribble Valley Borough Council
Carl Taylor BA (Hons) Dip LA CMLI	TMP Landscape

INTERESTED PERSONS:

Martin Crabtree	Chairperson of the Hammond Ground Residents Group
Calvin Lord	Local resident
Councillor Richard Bennett	Councillor and local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement Tim Brown TB Planning BA MRTPI
- 2 Statement by Carol Ashley
- 3 Statement and appendix by Richard Bennett
- 4 Statement and appendix by Martin Crabtree
- 5 Statement and appendix by Paul Shenton

- 6 Statement by Calvin Lord
- 7 FAS Heritage Note: review of heritage evidence for Public Inquiry
- 8 Agreed note Re CEG Land Promotions II Limited V Secretary of State for Housing Communities and local Government v Aylesbury Vale District Council
- 9 Second Supplemental Statement of Common Ground 10 October 2018

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE HEARING

- 1 Dated Unilateral Undertaking
- 2 Agreed planning conditions

Appeal Decision

Site visit made on 9 October 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2018

Appeal Ref: APP/T2350/W/18/3202044

Lowood, Whins Lane, Read, Burnley, BB12 7RB

- 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 Robert Edmund against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0857, dated 12 September 2017, was refused by notice dated 8 November 2017.
 - The development proposed is an outline application for the erection of 2 no. dwellings with access (all other matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaces the first Framework published in March 2012. The main parties have been provided with an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. References to the Framework in this decision therefore reflect the revised Framework.

Main Issues

3. The main issues are:-
 - the principle of the proposed development and its effect on the Council's development strategy;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Principle of development

4. The development plan includes Key Statement DS2 in its Core Strategy (adopted 2014) which is the presumption in favour of sustainable development. This reflects government policy in the National Planning Policy Framework (the Framework) which indicates that where there are no relevant development plan policies or the policies which are the most important for determining the application are out-of-date (including where the local planning authority cannot demonstrate a five year supply), granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

when assessed against the Framework as a whole. It also includes Key Statement DS1 which is the Council's development strategy. This seeks to ensure that new development is focussed towards the more sustainable settlements in the Borough. Read is identified as one of those settlements. Policy DMG2 refers to the definition of settlement in the glossary which states that settlement boundaries will include all properties physically linked to the main (built) part of the settlement. CS policies DMG2 and DMH3 list the exceptions where new development may be acceptable outside development limits.

5. The Council maintains that the appeal site falls outside the defined settlement boundary in the superseded District Wide Local Plan (DWLP) and is defined as open countryside. It considers that this carries weight due to the very limited land release necessary in the emerging plan Housing and Economic Development Plan Document (DPD). The settlement boundary has been reviewed as part of the emerging plan and the appeal site remains outside this boundary. Although the DPD is at an advanced stage in the plan process with hearings due to take place from 19 November 2018, the Council admits that representations made to the Proposed Main Modifications document, which includes an additional housing site for around 20 units in Read at Haugh Head, Whins Lane, have yet to be fully reviewed. As such, I cannot be certain that there are no unresolved objections and in this I differ from the Inspector in the previous appeal referred to (APP/T2350/W/17/3174924). That was determined prior to the inclusion of the draft Haugh Head allocation and the Inspector found that at that time there were no unresolved objections. I am therefore unable to give either the DWLP or the emerging policies significant weight in this appeal and have determined the appeal on the basis of the CS policies which accord with the Framework.
6. I accept that the appeal site's location between two existing dwellings constitutes an infill plot and that it is close to the edge of the settlement with access to local services. However, it cannot be said to be physically linked to the main built part of the settlement. The dwellings on Whins Lane either side of the appeal site lie to the west of Straits Lane and are themselves separated by the road from the main built part of the settlement which lies to the east of Straits Lane. The consolidation, expansion or rounding off of development referred to in policy DMG2 applies only to development *in* the settlements referred to (my italics) and I disagree with the appellant that the wording in Key Statement DS1 '*towards*' could reasonably mean '*outside*', notwithstanding that there are circumstances in which exceptions can be made where material considerations outweigh the policy conflict as accepted by the Council in its statement (developments at Hammond Drive, Read). The proposal therefore clearly conflicts with Key Statement DS1.
7. Whilst the development would make a limited contribution to the local economy and social well-being of the area, I have no compelling evidence that it is *essential* for the vitality of the community. Moreover, it is clear that the proposal would not meet any of the other exceptions defined in the Council's policies DMG2 and DMH3.
8. I agree with the Council that the judgements referred to by the appellant are irrelevant. *Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)* is irrelevant as the Council did not refuse the proposal on the grounds of isolation and a development does not

need to be isolated to be considered contrary to policies DMG2 and DMH3. Even if the appeal site is considered as brownfield land on the basis of the judgement in *Dartford Borough Council v Secretary of State for Communities and Local Government [2017] EWCA Civ 141*, the proposal is for residential development which is precluded by the Council's policies for development outside settlements.

9. I also agree with the Council that the permission for dwellings at Henthorn Road differs significantly from this proposal in its location adjacent to a more sustainable type of settlement, its relationship to the settlement and in the public benefits it would provide. I disagree with the appellant that the Council seems to indicate that the proposal would be acceptable if it were in the Green Belt. Rather it makes clear that the Blackburn appeal (APP/T2350/W/16/3164118) also differs significantly in policy terms because it was in the Green Belt where different policy considerations apply. Those decisions do not persuade me to alter my findings.
10. I conclude then that the proposed development would be unacceptable in principle and would harm the Council's development strategy, contrary to its CS policies.

Character and appearance

11. Policies DMG1, DMG2 and DMH3 seek to protect the character of the landscape. The appeal site is located a short distance from the edge of the built area of Read. It is located between two large detached dwellings at Lowood and Woodley which sit in spacious grounds. The site forms part of the garden of Lowood. It has been excavated and the ground level sits well below that of Lowood. I saw at my visit that it has been cleared of all vegetation other than a conifer hedge along its southern rear boundary and some tall trees along its eastern side boundary with Woodley. The land drops away to the east and to the south. The site can be clearly seen from the edge of the settlement at Straits Lane and from a public footpath between Straits Lane and Whins Lane. It forms part of an attractive and wide ranging view across the field below the rear of the appeal site. Looking from west to east across this view, although other modern dwellings further to the west along Whins Lane and George Lane can be seen forming a pattern of ribbon development with a suburban character, there is a clear gap between these and the traditional farm buildings and cottages to the west of Lowood. Lowood is very prominent in this view due to its ground levels, its size and its white rendered exterior. Beyond that, the view is predominantly free of development until it meets Straits Lane. Woodley and another dwelling beyond that are largely screened by trees within their grounds and the adjoining field. This part of Whins Lane is very wooded with mature trees forming a strong backdrop to the appeal site. As such, the area around the appeal site has a distinctly rural character which contrasts with the more suburban character of development seen along the eastern side of Straits Lane.
12. The appellant's landscape assessment concludes that the development would have a minor impact on the character of the landscape. It considers that the impact would be visually significant for transient receptors using Straits Lane but that it would be reduced to moderate due to the presence of dwellings along the eastern side of the road. I have noted that most of the photographs from Straits Lane in the landscape assessment were taken from a point further

down the road through trees within another field, further from the appeal site. None were taken from the upper part of the footpath closest to the site.

13. My own site visit impressions differ from those of the appellant's landscape consultant. The development of the site with two detached dwellings would occupy most of the site. The dwellings would be seen next to Lowood, would be sited at a lower ground level and it would be possible to achieve a lower ridge and eaves height. However, they would be clearly seen from the footpath and from the part of Straits Lane around where the footpath joins it. Whilst the impact would be fleeting for those travelling by car along the road, for those walking along the road in a northwards direction it would be greater and for those walking along the footpath towards Whins Lane it would be significantly greater because the dwellings along Straits Lane would be behind the viewer. The loss of the open gap would therefore cause significant harm to the rural character of the surrounding area, contrary to the above policies.
14. The proposed Haugh Head allocation in the emerging DPD does not persuade me to alter my findings as it is sited some distance from the appeal site and would not be clearly seen within the same context.

Other considerations

15. The proposal would make a small contribution to the supply of housing in the Borough. However, given its small scale, the social and economic benefits would be limited and the proposal therefore differs significantly from the Longridge appeal decision referred to by the Appellant (APP/T2350/W/17/3186969). The appellant has not challenged the Council's claim that it has a housing land supply of 5.3 years (as of June 2018). I have noted the Appellant's reference to a recent public inquiry for an appeal at Hammond Ground (APP/T2350/W/17/3185445) but I am not aware of any other material decision or consideration at the current time that would change this position or lead to the engagement of the so called 'tilted balance' as set out in paragraph 11 of the revised Framework and in Key Statement DS2. Even if the position changed and the Council was unable to demonstrate a five year supply, the adverse impacts arising from this proposal in terms of its effect on the character and appearance of the area would significantly and demonstrably outweigh the limited benefits when assessed against the Framework as a whole.
16. I have given little weight to the Council's objection that the proposal would set a precedent for the erection of dwellings within the gardens of other similar properties in the vicinity as I have no compelling evidence that there have been enquiries for such development and in any case each proposal should be determined on its merits.

Conclusion

17. For these reasons and notwithstanding my findings regarding precedent, I conclude that the proposal would conflict with the development plan and the Framework as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector