

RIBBLE VALLEY BOROUGH COUNCIL

Planning Inspectorate Reference: App/T2350/W/19/3223816

LPA Application Reference: 3/2018/0582

Appeal by Nest Housing

Supplementary Planning Statement – 20.07.2019

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 Local Planning Authority's Statement of Case in relation to this appeal was submitted on 18 June 2019.

Following the submission of the Local Planning Authority's Statement of Case, a appeal decision was published in relation to land at Henthorn Road, Clitheroe, for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDs) and vehicular access point (appeal ref: APP/T2350/W/19/3221189). At paragraph 17 of the Henthorn Road appeal decision the Inspector states,

“Conflict with Policy DMG2 is identified as a reason for the refusal of planning permission for the appeal scheme. However, during the Inquiry the Council accepted that the policy is permissive of development that adjoins the settlement boundary and confirmed that development outside the settlement limits of Clitheroe would not necessarily conflict with the provisions of this policy. In this respect, I have no other evidence to suggest that the proposed development would otherwise constitute the consolidation and expansion of the settlement within the context of Policy DMG2.”

Taking into account this appeal decision, it is considered that there is a requirement for the Local Planning Authority to clarify its position regarding the interpretation of Core Strategy Policy DMG2 and how this relates to the appeal case at land to the south of Chatburn Old Road, Chatburn which was refused for the following reason:-

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.

Core Strategy Policy DMG2 reads,

DEVELOPMENT SHOULD BE IN ACCORDANCE WITH THE CORE STRATEGY DEVELOPMENT STRATEGY AND SHOULD SUPPORT THE SPATIAL VISION. 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.

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 WELL BEING 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.

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 WELL BEING 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.

Taking into account the Henthorn Road appeal decision, in particular the Inspector's comments relating to Core Strategy Policy DMG2, the Local Planning Authority accepts that 'consolidation' and 'expansion' as contained in Policy DMG2 and defined in the Core Strategy Glossary is not confined to being within the settlement boundaries of Principal Settlements and Tier 1 villages in certain circumstances where the lack of a 5 year supply is an issue for example or other material considerations are relevant to the planning balance. However it is still subject to the tests of the policy and any material considerations such as those set out above. The appeal site at Chatburn Old Road is therefore considered to comply with the definition of 'expansion', defined as *'limited growth of a settlement which is in scale and keeping with the existing urban area'*.

Notwithstanding the above, it remains the Council's case that the appeal proposals are contrary to Core Strategy Policy DMG2 insofar that the development would not be closely related to main built-up areas of Chatburn and Core Strategy Policy DMH3 which limits residential development within the Open Countryside and AONB to development essential for the purposes of agriculture or which meets an identified local need, the appropriate conversion of buildings to dwellings and replacement dwellings.

Response to application for costs

The appellant has made a full application for costs against the Local Planning Authority as they consider the LPA has behaved unreasonably referring to behaviours listed in paragraph 16-049 of National Policy Guidance, specifically:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- not determining similar cases in a consistent manner.

The Local Planning Authority has taken the necessary steps above to clarify its position in relation to Policy DMG2 and how this relates to the appeal case following publication of the Henthorn Road appeal decision,

Whilst the Henthorn Road Inspector set out at paragraph 17 of the appeal decision that residential development outside settlement boundaries would not necessarily conflict with the provisions of Policy DMG2, there are fundamental differences between the appeal case and the Henthorn Road site in terms of their comparative locations (i.e. Henthorn Road on the edge of a Principal Settlement and the appeal case on the edge of a Tier 1 village) and their physical and spatial relationship with the settlement from which they would extend. In this case, the LPA considers the appeal proposals would not be closely related to main built-up areas of Chatburn, and for this reason the proposed development would not comply with Policy DMG2 of the Core Strategy.

Each planning application must be considered on its own merits and the Local Planning Authority does not consider that they have behaved unreasonably. As such it is respectfully requested that the appellant's application for costs is dismissed.