



Appeal Decision

Site visit made on 21 May 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2019

Appeal Ref: APP/T2350/W/19/3224830

Land at Osbaldeston Lane, Osbaldeston, Lancashire BB2 7JB

- 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 Daniel Thwaites PLC against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0768, dated 23 August 2018, was refused by notice dated 28 January 2019.
 - The development proposed is described as 'Construction of four dwellings with access from Osbaldeston Lane'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision was issued, the Government has published its Housing Delivery Test (HDT) results alongside the publication of an updated revised National Planning Policy Framework (the Framework) in February 2019. This makes minor revisions including an additional footnote to Paragraph 11. I have had regard to the 2019 Framework when reaching my decision.
3. The main parties have referred to the emerging Housing and Economic Development - Development Plan Document (DPD). This DPD has not yet been adopted and I do not know whether there are unresolved objections. Consequently, the weight that I can attach to the DPD is limited. The statutory development plan for the purposes of the determination of this appeal remains the Council's Core Strategy 2008 – 2028 A Local plan for Ribble Valley 2014 (CS), which accords with the Framework.
4. For clarity and precision, I have inserted 'Lancashire' into the address in the banner, as it is listed on the appeal form, and I have amended the postcode from that stated on the application form.
5. Outline planning permission is sought, but with all matters reserved, except for access. I have determined the appeal on this basis.

Main Issues

6. The main issues are:
 - whether the site is an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements; and,

- the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

Location for housing

7. The appeal site is a field that is accessed from 2 gates off Osbaldeston Lane, a third gate is located on the boundary with the public house. Adjacent to the northern boundary of the site is 'Little Commons' which is a dwelling, towards the east is Osbaldeston Lane and further dwellings on the opposite side of the road. In a southerly direction is the public house and in a westerly direction, to the rear of the site is a belt of trees and agricultural fields beyond.
8. CS Key Statement DS1 is the Council's development strategy and seeks to ensure that new development is focussed towards the more sustainable settlements in the Borough. CS Key Statement DS1, identifies a hierarchy and after the strategic and principal settlements, development is focussed towards 9 Tier 1 Villages that are more sustainable of the 32 defined settlements. Of the remaining 23 defined settlements, these are categorised as Tier 2 Village Settlements, of which Osbaldeston is listed, where development will need to meet a proven local need or deliver regeneration benefits. CS Key Statement DS2 reflects Government policy in the Framework for a presumption in favour of sustainable development
9. Both parties acknowledge that Osbaldeston has a settlement boundary, and I note that the appeal site has not been included within the draft settlement boundary as part of the DPD process. Therefore, the appeal site is located within the open countryside. CS Policy DMG2 says that within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the considerations listed. The proposed development would not fulfil any. As the site is in the open countryside, CS Policy DMH3 states that development will be limited to: development essential for the purposes of agriculture or residential development which meets an identified local need. The proposal is not for the purposes of agriculture nor is it for an identified local need.
10. The development would also provide an additional 4 dwellings that would contribute to the housing supply. The Council has confirmed that it has a 6.1 year supply of deliverable housing sites. I note the appellant has questioned the certainty of all of the approvals being built out, but equally there is nothing substantive to confirm that they will not be implemented, especially as the HDT results indicate that Ribble Valley Borough Council has met the HDT. On this basis, I consider that the scheme would represent an unsustainable level of development.
11. The appellant has referred to various appeal decisions, which I have noted. The first¹ and second² decisions relates to schemes in East Hertfordshire where the Council could not demonstrate a 5-year deliverable supply of housing sites. Therefore, I conclude that there are significant differences between these appeal proposals and that of the scheme before me, and both decisions illustrate that every proposal has to be considered on its own particular merits.

¹ APP/J1915/W/15/3130591

² APP/J1915/W/17/3178674

12. The third³ decision was dismissed by an Inspector who considered, amongst other things that no social benefits were demonstrated. The Inspector in the fourth⁴ decision noted amongst other things, that the Framework explicitly recognises that development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as is development in urban areas. However, I find little within these cases which would lead me to alter my conclusions in this case. Whilst I acknowledge there would be some limited economic and social benefits resulting from the development, they are not sufficient to outweigh the harm identified above. My finding remains for the reasons indicated that the site does not accord with the Council's housing strategy.
13. For all of these reasons, I conclude that the appeal site does not constitute an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements. Therefore, the scheme conflicts with CS Key Statements DS1 and DS2 and CS Policies DMG2 and DMH3.

Character and appearance

14. The site is located adjacent to the Osbaldeston settlement boundary and the proposed development would be opposite existing residential properties, which is defined by Osbaldeston Lane. The character of the site is very much of open countryside. Whilst the appeal site is located adjacent to a dwelling and a public house, and faces further dwellings across the road, it has large agricultural fields beyond the trees to the rear. Whilst the appellant considers that these trees form a backdrop for the development, I find that the site significantly contributes to the rural setting of Osbaldeston.
15. Whilst the proposal is for outline permission only, the effect of erecting 4 dwellings on this site, and the associated domestic paraphernalia, that would be associated with a residential development can still be determined. The site's existing connection to surrounding countryside means it has value in terms of its contribution to the overall landscape and scenic beauty of the area. This would be significantly eroded as a result of any form of residential development.
16. I note the suggestion from the appellant that the development could be limited to single or 1.5 storeys in height. However, I find that this would not provide suitable or sufficient mitigation to counteract the harm created by the residential development on this site.
17. For all of these reasons, I conclude that the proposed development would have a significantly detrimental impact on the character and appearance of the appeal site and surrounding area and hence that it would conflict with the character and appearance aims of CS Key Statement EN2, CS Policies DMG1, DMG2 and DMH3, and the Framework.

Other Matters

18. I have given little weight to the Council's objection that the proposal would set a harmful precedent for residential development outside settlement boundaries in the vicinity as I have no compelling evidence that there have been significant

³ APP/T2350/W/15/3084331

⁴ APP/U1105/A/13/2191905

enquiries for such development, particularly if this appeal was successful. I note the reference in the Council's Statement to comments from an Inspector on a previous appeal⁵. However, I do not know what evidence was before the Inspector at the time of the previous decision. In any event all applications and appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.

19. I have had regard to no adverse comments being received from the other statutory consultees, including the Local Highway Authority. However, a lack of harm associated with highways is a neutral factor that weighs neither for nor against the development.
20. Local residents have also expressed a wide range of concerns, but not limited to the following: highway safety, ecology and living conditions. However, I note that these matters were considered where relevant by the Council at the application stage and as I am dismissing the appeal nothing turns upon these matters.

Planning Balance and Conclusion

21. Whilst I acknowledge the factors in favour of the development, those considerations do not outweigh the presumption against the development arising from the development plan. 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.

W Johnson

INSPECTOR

⁵ APP/T2350/W/16/3153754