



Planning Statement

Residential development of up to 9 dwellings –
Land to the south of Old Road, Chatburn

for Mr Townsend

Emery Planning project number: 18-406

LPA ref: 3/2018/0943

Project : 18-406
Site address : Land to the south of Old
Road, Chatburn
Client : Mr Townsend

Date : 30 October 2018
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Approved by : Stephen Harris

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1. Introduction and summary

1.1 This planning statement is submitted in support of an application for permission in principle for the residential development of up to 9 dwellings at land to the south of Old Road, Chatburn (LPA ref: 3/2018/0943). The application is the resubmission of a previous application which was refused earlier this year (LPA ref: 3/2018/0582).

Background

1.2 On 22nd June 2018, planning agent Judith Douglas applied on behalf of Mr Townsend to Ribble Valley Borough Council (RVBC) for Permission in Principle (PiP) for the residential development of up to 9 dwellings at the site.

1.3 The application was made valid on the same day and given the reference 3/2018/0582. It was determined at a meeting of the planning committee on 6th September 2018, where it was recommended that the application be refused. The case officer's report concluded that at that time there was no overwhelming need for the Council to release additional open countryside for residential development because:

- The residual housing need for the plan period for Chatburn identified in table 4.12 of the Core Strategy has been met;
- The minimum housing requirement for the borough for the plan period has been exceeded; and
- The Council can demonstrate a five year supply of deliverable housing sites¹.

1.4 Members voted in accordance with the recommendation and the application 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."

1.5 The decision notice was issued on 7th September 2018.

¹ Please refer to paragraph 5.2.21 of the case officer's report.

Summary of case

- 1.6 Since the previous application was determined, the Council's position in relation to its five year supply has changed. On 9th October 2018 at a public hearing in relation to an appeal made by the Trustees of Hammond Ground against the decision of Ribble Valley Borough Council to refuse to grant outline planning permission for up to 50 dwellings at Hammond Ground, Read², the Council confirmed that it could not demonstrate a deliverable five year supply of housing land and therefore the tilted balance set out in paragraph 11(d) of the NPPF applies. Emery Planning submitted the housing land supply evidence on behalf of the Appellant.
- 1.7 Notwithstanding this, our primary case on behalf of the applicant is that the proposed development is in accordance with the development plan and therefore it should be approved without delay in accordance with paragraph 11(c) of the NPPF for the following reasons:
- The proposed development is for 9 dwellings in Chatburn, which as a Tier 1 Village is a focus for development as set out in Key Statement DS1 of the Core Strategy;
 - Policy DMG2 of the Core Strategy allows for the expansion and consolidation of Tier 1 Villages;
 - The proposed development would assist in meeting Chatburn's housing requirements as set out in the table below 4.12 of the Core Strategy; and
 - The proposed development would also assist in meeting the Borough's housing need of 5,600 dwellings between 2008 and 2028.
- 1.8 In the event that the Council disagrees and finds that the proposed development would be contrary to the development plan, there are other material considerations, which mean that permission should be granted. These are firstly that the proposed development would assist in meeting the unmet housing requirements for Chatburn and the Borough as a whole and secondly, by virtue of the absence of a five year supply of housing land, the tilted balance set out in paragraph 11(d) of the NPPF applies and there are no site specific or other adverse impacts which significantly or demonstrably outweigh the benefits the proposed development would deliver.

² LPA ref: 3/2016/1192, PINS ref: APP/T2350/W/17/3185445

2. The application

2.1 As set out in the introduction, the proposal is for permission in principle for up to 9 no. dwellings. The documents submitted with this application are as follows:

- Site location plan;
- Application form; and
- Statement on delivery by Nest Homes.

3. Site and area description

3.1 The appeal site is 0.99 ha in area. It is located to the south of Old Road, Chatburn and is greenfield. The site slopes down in level towards the east and south and is mainly grassland with bushes and trees along its boundaries.

3.2 The site is bounded to the north-west by a residential development of 10 dwellings approved by planning consent 3/2011/0025 and then 3/2014/0618 (varied by planning consent 3/2016/0748) which is currently under construction by JJ Construction NW Ltd. To the west is a quarry and to the south is a nature reserve.

3.3 The site is located immediately adjacent to the settlement boundary of Chatburn. Chatburn is one of 9 "Tier 1 Villages" in the borough. Tier 1 villages are the more sustainable of 32 defined settlements in the borough. There is a post office and convenience store, village hall, 2 public houses, a library, butchers, hairdressers, florist and an ice-cream shop in Chatburn, which are all within walking distance of the appeal site. The nearest bus stops are located approximately 300m away outside the post office and are served by frequent bus services to and from Clitheroe, Skipton, Preston and other villages in the borough. There is also a telephone exchange providing superfast internet.

4. Relevant planning history

Application site

4.1 The only previous application submitted at the application site was the application for the permission in principle of the residential development of up to 9 no. dwellings (LPA ref: 3/2018/0582), which we have discussed above.

Adjoining site

4.2 The following planning history relates to the adjoining site to the north:

- 19th April 2013 - outline planning permission was granted at appeal for 10 no. dwellings on the adjoining site (LPA ref: 3/2011/0025, PINS ref: APP/T2350/A/12/2176828).
- 11th June 2015, full planning permission was then granted for 10 no. dwellings at the same site (LPA ref: 3/2014/0618).
- 31st March 2016, an application to discharge conditions 4 (bat and bird boxes), 5 (landscaping), 6 (foul and surface water), 8 (construction management), 11 (renewable energy) 12 (junction improvement) of planning permission 3/2014/0618 was approved (LPA ref: 31/03/2016).
- June 2016, an application to vary condition 2 of permission 3/2014/0618 relating to the approved plans) was made, but later withdrawn (LPA ref: 3/2016/0559).
- 14th October 2016, an application to vary condition 02 (substitution of house types/designs for plots 1, 2, 3, 4, 5, 7, 8, 9 & 10, including repositioning of plots 3, 7, 9 & 10, and alteration to internal access road) and Removal of Condition 10 (un-associated condition) of planning permission 3/2014/0618 was approved (LPA ref: 3/2016/0748).
- 5th January 2017, an application to discharge conditions 3 (materials), 4 (bird and bat boxes), 5 (landscaping), 6 (foul and surface water drainage, 8 (construction management plan), 10 (renewable energy), 11 (junction improvements), 12 (off site highway works) and 14 (boundary treatment) of planning permission 3/2016/0748 was approved (LPA ref: 3/2016/0984).
- 26th January 2017, a new house type for plot 6 was approved (LPA ref: 3/2016/1019).
- 5th January 2017, an application to discharge condition 3 (materials) of permission 3/2016/0748 was made. The materials were agreed, but the condition was not fully discharged because it requires the development to be carried out with the approved details (LPA ref: 3/2017/0010).

- 12th June 2017, a non-material amendment to planning permission 3/2016/0748 to allow the installation of two additional rooflights in the rear/south east facing roof elevation of Plot 3 was approved (LPA ref: 3/2017/0499).
- 12th December 2017, a new house type for plot 8 was approved (LPA ref: 3/2017/0830).
- 5th July 2018, an application to discharge condition 6 (scheme for the disposal of foul and surface waters for the entire site) from planning permission 3/2016/0748 was approved (LPA ref: 3/2018/0417).

4.3 The site is under construction and as of 25th September 2018, 3 no. dwellings have been completed. A further 7 no. dwellings are under construction and it is anticipated that all plots will be occupied by spring 2019.

5. Planning policy context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

National planning policy and guidance

National Planning Policy Framework (NPPF, 2018)

5.2 The relevant sections of the NPPF are discussed in the planning considerations section of this planning statement below. However, the NPPF states that there is a presumption in favour of sustainable development.

5.3 For decision taking, this means approving development proposals that accord with the development plan without delay.

5.4 Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Planning Practice Guidance (PPG)

5.5 The PPG was originally published on 6th March 2014 and has been updated since. The relevant sections of the PPG are discussed in the planning considerations section of this statement.

Development plan context

Existing development plan and proposals map

5.6 The development plan comprises the Ribble Valley Core Strategy 2008-28, which was adopted in December 2014. When the Core Strategy was adopted, the saved policies of the Districtwide Local Plan (adopted 1998) were superseded. However, the proposals map which

accompanied the Districtwide Local Plan is to remain in place until a revised set of plans is produced as part of the Housing and Economic Development DPD (HED DPD).

- 5.7 On the proposals map for the Districtwide Local Plan, the site is located outside of the settlement boundary for Chatburn.
- 5.8 The Council consulted on the Housing and Economic Development Development Plan Document (HED DPD) at regulation 18 stage in autumn 2016. The consultation included a draft proposals map. The map for Chatburn included the site to the north within the draft settlement boundary for Chatburn and identified it as a committed housing site. Part of the application site is located within the settlement boundary. Please refer to appendix **EP1**. On 15th December 2016, the Planning and Development Committee resolved to adopt the draft proposals map for development management purposes. Paragraph 3.3 of the report to the committee stated:

"It is therefore proposed that the Draft Proposals Map be adopted to assist decision making for Development Management purposes. Whilst the plan will have limited statutory weight due to the stage of the plan making process, its adoption as a statement of Council policy will provide clarity to assist the determination of applications. This position is enhanced by the fact that the draft has been subject to public consultation with limited comments made. It can therefore be treated as a material consideration."

Core strategy

- 5.9 The following two policies are referred to in the reason for refusal of the previous application and are discussed in the following section of this statement:
- Policy DMG2: "Strategic Considerations"; and
 - Policy DMH3: "Dwellings in the Open Countryside and AONB".
- 5.10 The other relevant policies of the Core Strategy are:
- Key Statement DS1: "Development Strategy";
 - Key Statement DS2: "Presumption in Favour of Sustainable Development";
 - Key Statement H1: "Housing Provision";
 - Key Statement H2: "Housing Balance";
 - Policy DMG1: "General Considerations"; and
 - Policy DMG3: "Transport and mobility".

Other material considerations

Emerging Housing and Economic Development Development Plan Document (HED DPD)

5.11 The Council is in the process of preparing a Housing and Economic Development Development Plan Document (HED DPD). The main stages of preparation have been:

- Issues and Options (regulation 18) consultation – 26th August to 7th October 2016;
- Publication of Preferred Options (regulation 19) consultation – 28th April to 9th June 2017;
- Submission (regulation 22) – the plan was submitted to the Secretary of State on 28th July 2017 consultation took place between 31st July and 11th September 2017 on the proposed changes to the publication draft.

5.12 The examination hearing sessions were originally due to take place in January 2018. However, due to illness, the Inspector postponed the hearing sessions.

5.13 The examination hearing sessions were then due to take place in July 2018. However, on 12th June 2018, the Council wrote to the Inspector to explain the following:

- It was in the process of updating its Housing Land Availability Statement (HLAS) and participants of the examination may wish to have the opportunity to comment on it;
- The recent appeal decision in relation to Higher Road, Longridge stated that the Council could not demonstrate a five year supply of housing land;
- In the event the Council's updated HLAS concludes a five year supply cannot be demonstrated the Council will need to give consideration as to how it will address this including possibly making additional allocations;
- If further allocations are proposed as main modifications then the Council will need to undertake further appraisal and consultation on these sites.

5.14 On 15th June 2018 the Council's website was then updated to state that the Council had asked the Inspector for a postponement to the hearings. On 19th June 2018, the Council's website then stated that the examination hearing sessions had been postponed until the week commencing 19th November 2018. This has subsequently been moved to the week commencing 26th November 2018.

5.15 On 17th July 2018 a special meeting of the Planning and Development Committee meeting took place. At the meeting, members resolved to endorse the HLAS (base date 31st March 2018) and consult on the proposed addition of five allocations for housing development in the HED DPD.

5.16 On 27th July 2018, the Council commenced consulting on the following five additional allocations:

- MM1 - Site 15 – Chatburn Road, Clitheroe (40 dwellings);
- MM2 - Site Devpr3 – Land off Hawthorne Place (40 dwellings);
- MM3 - Site 13 – Highmoor Farm (100 dwellings);
- MM4 - Langho Site 1 – South of Laycocks Farm, Langho (10 dwellings); and
- MM5 - Haugh Head, Whins Lane, Read and Simonstone (30 dwellings).

5.17 The consultation closed on 7th September 2018.

5.18 It is of note that the Council's justification for proposing additional housing allocations long after the HED DPD was submitted for examination in August 2017 is due to the Council's conclusion that it cannot demonstrate a five year housing land supply and its view that 165 additional dwellings would need to be allocated in order for it to do so. The consultation document itself states that:

“at least 165 units are needed for the Authority to be able to clearly demonstrate a 5 year supply and provide a stable and robust position against which planning decisions can be made”.

5.19 The Chief Executive's report to the Planning and Development Committee in advance of the Special Meeting on 17th July 2018 stated the following:

“Whilst the Council can demonstrate a five year supply with a 5% buffer, it cannot do so when a 20% buffer is applied. Therefore to address this urgent issue further housing land allocations will need to be considered”.

5.20 The report to the Planning and Development Committee also explains that sites were only selected based on whether or not the Council considered that they could deliver within five years of planning permission / allocation. It states:

“Sites that were too large to deliver within five years were discounted (based on a calculation of approx. 30 dwellings per hectare) as the need for additional allocations follows directly from a current inability to satisfy the five year requirement. This pragmatically selects sites that could reasonably be considered to deliver units within five years of planning permission/allocation and also aligns with recent proposed draft government national planning policy changes to deliberately favour smaller development sites. Pragmatically it is considered that the maximum site size that would pass the

above test is one that would deliver 100 units. Therefore sites that were above this level were also discounted." (our emphasis)

5.21 The crucial point to note, however is that the Council is now actively promoting urgent changes to its HED DPD on the basis that there is an immediate need to add to its housing land supply.

Housing Land Availability Statement

5.22 The latest Housing Land Availability Statement (HLAS) sets out the Council's five year housing land supply position for the five year period from 1st July 2018 to 30th June 2023.

5.23 The Council's position is set out on pages 2 and 3 of the HLAS. Despite the recent VH Land appeal decision confirming that the Council cannot demonstrate a five year housing land supply, the change in the definition of what constitutes a "deliverable" site and the Council's proposals to allocate additional land in the HED DPD due to a shortfall in the five year housing land supply, the latest HLAS again claims that the Council considers it can demonstrate a supply in excess of 5 years (5.35 years), based on:

- A base date of 1st July 2018;
- A five year period of 1st July 2018 to 30th June 2023 ;
- A housing requirement of 1,400 dwellings over a five year period, which in turn is based on an annual requirement of 280 dwellings p.a.;
- A substantial backlog of 592 dwellings which has accumulated between 1st April 2008 and 30th June 2018. This comprises a deficit of over two years worth of the Council's housing requirement. This is to be addressed in full in the 5 year period (i.e. the 'Sedgefield method');
- The application of the 5% buffer to both the backlog and the base requirement; and
- A deliverable five year supply of 2,235 dwellings.

5.24 This position is summarised in the following table, which also shows the Council's position if a 20% buffer applies:

Ribble Valley's Claimed Five Year Supply at 1st July 2018 with a 5% and a 20% Buffer

	Requirement	5% Buffer	20% Buffer
A	Local Plan housing requirement (1 st April 2008 to 31 st March 2028)	5,600	5,600
B	Annualised net Local Plan housing requirement (5,600 / 20 years)	280	280
C	Five year net Local Plan housing requirement	1,400	1,400
D	Net housing shortfall 1 st April 2008 to 30 th June 2018 (2,869 requirement – 2,277 completions)	592	592
E	Five year requirement including backlog (C + D)	1,992	1,992
F	Buffer	100	398
G	Total supply to be demonstrated (E + F)	2,092	2,390
H	Annual average (G / 5)	418	478
Supply			
I	Claimed five year supply from 1 st July 2018	2,235	2,235
J	Claimed five year supply (I / J)	5.35	4.68

5.25 As discussed in the introduction to this planning statement, whilst the HLAS was only published at the beginning of September and claimed that a five year supply of housing land could be demonstrated, the Council's position has since changed. The Council now accepts that it cannot demonstrate a deliverable five year supply of housing land. If the Council's position changes again during the course of this application, the applicant would like the opportunity to comment on the revised position.

6. Planning considerations

The principle of development

6.1 As set out above, Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Key Statement DS1 of the Core Strategy: "Development Strategy" was described in the Core Strategy Inspector's report as follows:

"Key Statement DS1 sets out the development strategy. In effect, it is the policy that lays the foundation for Ribble Valley's spatial direction of growth and lies at the heart of the Plan."

6.3 Key Statement DS1 starts by stating that the majority of new housing development will be concentrated within the Standen Strategic site (to the south of Clitheroe) and the three principal settlements of Clitheroe, Longridge and Whalley. It continues by stating:

"In addition to the strategic site at Standen and the borough's principal settlements, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements." (our emphasis)

6.4 Nine settlements are identified as Tier 1 villages, including Chatburn.

6.5 The policy then continues by stating that in the 23 remaining Tier 2 Village settlements, which are the least sustainable of the 32 defined settlements, development will need to meet proven local needs or deliver regeneration benefits. The 23 Tier 2 Village settlements are then identified. The policy then states:

"In general 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."

6.6 It also states:

"Development that has recognised regeneration benefits, 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"

6.7 The proposed development is for residential development in Chatburn, which is a Tier 1 village. It accords with Key Statement DS1 of the Core Strategy. This is recognised in the case officer's report for the previous application³.

6.8 Policy DMG2: "Strategic Considerations" is referred to in the reason for refusal. It starts by stating that development should be in accordance with the Core Strategy Development Strategy and should support the Spatial Vision. As the proposed development complies with Key Statement DS1, it therefore complies with this part of policy DMG2.

6.9 Policy DMG2 then states:

"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." (our emphasis)

6.10 It continues by stating:

"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".*

6.11 The policy then states:

"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-

³ Please refer to paragraph 5.2.4 of the case officer's report.

use of existing buildings, which in most cases is more appropriate than new build”.

6.12 Policy DMG2 therefore distinguishes between development “in” the principal settlements and Tier 1 Villages from development “within” Tier 2 Villages and “outside” the defined settlement areas. In Tier 1 Villages, such as Chatburn, development proposals should consolidate, expand or round-off development. The glossary of the Core Strategy provides the following definitions:

- **Consolidation** – *“Refers to locating new developments so that it adjoins the main built up area of a settlement and where appropriate both the main urban area and an area of sporadic or isolated development.”*
- **Expansion** – *“This is limited growth of a settlement generally it should be development which is in scale and keeping with the existing urban area.”*
- **Rounding off** – *“Development which is essentially part of rather than an extension to the built up part of the settlement. It can be defined as the development of land within the settlement boundary (which is not covered by any protected designation) where at least two thirds of the perimeter is already built up with consolidated development.”*

6.13 Consequently, the definition of “rounding-off” is different to that of “consolidation” or “expansion” because it specifically refers to development that is part of the built up area, rather than an extension to it. It is also specifically identified as land “within the settlement boundary”.

6.14 In contrast, the definition of consolidation refers to land which “adjoins” the main built up area of a settlement and where appropriate on land which adjoins the main urban area and an area of sporadic or isolated development. It does not state that this must be on land within the settlement boundary.

6.15 Expansion is defined as limited growth of a settlement at a scale and in keeping with the “existing urban area”. Again, it does not state that this must be on land within the settlement boundary.

6.16 It is not surprising that there is no reference to consolidation and / or expansion being within the settlement boundary because as shown on the proposals map of the Districtwide Local Plan, there are few (if any) areas where any of the above could take place within the existing settlement boundary of Chatburn.

6.17 On the proposals map for the Districtwide Local Plan, the application site is located outside of the settlement boundary for Chatburn. However, on the draft proposals map for Chatburn,

which has been adopted for development management purposes, a small part of the application site is located within the draft settlement boundary for Chatburn. Therefore, under the definition above, rounding-off would only be allowed within the part of the site included within the settlement boundary.

- 6.18 The site adjoins the main built up area of Chatburn and the development proposals would provide limited growth at a scale and in keeping with the existing urban area. Therefore, the proposed development accords with policy DMG2 as it would be either the consolidation and / or the expansion of Chatburn, which is in accordance with this part of the policy. It does not have to meet all three of the definitions set out in the glossary.
- 6.19 Policy DMG2 continues to refer to sites “outside of the defined settlement areas”. This clearly refers to land that is not in the principal settlements or Tier 1 or Tier 2 Villages i.e. land that is not in Clitheroe, Longridge and Whalley or one of the 32 defined settlements in the Core Strategy. Footnote 28 of the Core Strategy (page 173) states:

“Whilst there are 40 villages in the Ribble Valley, only 32 of these are categorised as ‘defined settlements’ – these are the settlements where development is to be allocated. Whilst some development has taken place outside of these settlements (in the remaining 8 villages), the Core Strategy development Strategy, once adopted, should prevent further development taking place in these locations”

- 6.20 Reference to areas outside of the defined settlements therefore means in the remaining 8 villages that have not been identified as a defined settlement and elsewhere. It does not mean on land in Tier 1 Villages such as Chatburn where consolidation and / or expansion is clearly allowed elsewhere in the policy.

- 6.21 “Defined Settlement” is defined in the glossary to the Core Strategy as:

- **Defined Settlement** – *“A defined settlement is one which contains at least 20 dwellings and a shop or public house or place of worship or school or village hall, i.e. they are of a size and form that justifies treatment as a settlement. Settlements smaller than this limit will not be given settlement boundaries as they are not considered to be large enough or to contain enough facilities to allow for growth beyond that delivering regeneration benefits or local needs housing.*

- 6.22 Chatburn is clearly a defined settlement as it meets this definition.

- 6.23 The definition then states that settlement boundaries will:

- *Include all properties physically linked to the main (built) part of the settlement;*
- *Include all undeveloped areas of existing planning consents relating to the settlement;*
- *Include residential curtilages;*
- *Boundaries do not include properties separated from the main body of the settlement by areas of open land not forming a residential curtilage; and*
- *In most cases single depth development (ribbon development) along roads leading out of settlements will be excluded unless they are physically well related to the settlement."*

6.24 However, the settlement boundaries have still not been identified. They will be identified through the HED DPD process, which has not been tested at examination.

6.25 In summary, the proposed development is in accordance with policy DMG2 of the Core Strategy as it allows for expansion and consolidation in Tier 1 Villages such as Chatburn.

6.26 As set out in section 4 of this statement, the majority of the site is located in the open countryside. However, policy DMH3 of the Core Strategy: "Dwellings in the Open Countryside and AONB" states that residential development which meets an identified local need will be allowed. This is consistent with policy DMG2 because expansion and consolidation is allowed in Chatburn. We now discuss how the proposed development would assist in meeting Chatburn's housing requirement.

Chatburn's housing requirement

6.27 The table below paragraph 4.12 of the Core Strategy (page 42) confirms that the total number of homes required for Chatburn over the plan period is 27. It states that at 31st March 2014, there were commitments for 9 no. dwellings and the residual number of houses required for Chatburn at 31st March 2014 was 18 (i.e. 27 minus 9)

6.28 We have reviewed the completions data and the Housing Land Availability Supply (base date 31st March 2014) and note that the 9 no. dwellings which were commitments at 31st March 2014 were as follows:

Application ref:	Address:	No. of dwellings	Status at 31 st March 2014
3/2009/0053	24b Bridge Road	1	Completed in 2010/11
3/2008/0830	13A and 13B Downham Road	2	Completed in 2012/13
3/2011/1052	Land off Clough Bank	1	Full planning permission
3/2011/0458	Land adj to Whitecroft, Pendle Avenue	1	Outline planning permission
3/2012/0241	1-4 The Croft, Sawley Road	4	Under construction
	Total	9	

6.29 Notably, this does not include the commitments at the following sites, which were commitments at 31st March 2014 but are not included within the figure for Chatburn:

Application ref:	Address:	No. of dwellings	Status at 31 st March 2014
3/2011/0025	Land off Chatburn Old Road	10	Outline planning permission
3/2012/0317	Pendle Hotel, Clitheroe Road	3	Conversion under construction
	Total	13	

6.30 The reason why the above sites were not included within the commitments for Chatburn was because they are located outside of the settlement boundary of Chatburn. They are included within the 432 figure which was the number of dwellings not within the 32 defined settlements or the principal settlements at 31st March 2014 included within the table under paragraph 4.12 of the Core Strategy. Therefore these sites do not contribute to the 27 dwelling requirement for Chatburn. The Core Strategy Inspector accepted that this was the case.

6.31 The latest Housing Land Availability Schedule confirms that at 30th June 2018 there had been 8 no. dwellings completed in Chatburn. We have reviewed the completion data and note that these are on the following sites:

Application ref:	Address:	No. of dwellings	Status at 30 th June 2018
3/2009/0053	24b Bridge Road	1	Completed in 2010/11
3/2008/0830	13A and 13B Downham Road	2	Completed in 2012/13
3/2012/0241	1 and 2 The Croft, Sawley Road	2	Completed in 2014/15
3/2012/0241	3 and 4 The Croft, Sawley Road	2	Completed in 2015/16
3/2014/0196	The Willows, Kayeley Lane	1	Completed in 2016/17
	Total	8	

6.32 The HLAS claims that there are commitments for a further 18 no. dwellings. We have reviewed the HLAS and note that the following sites are included within the 18 dwelling figure:

Application ref:	Address:	No. of dwellings	Status at 30 th June 2018
3/2014/1089	Land off Clough Bank Lane	2	Full planning permission
3/2016/0711	9 Downham Road	2	Full planning permission
3/2017/0355	Former Filling Station 10 & 12 Sawley Road	1	Full planning permission
3/2015/1019	Pendle Lodge, Clitheroe Road	1	Conversion under construction
3/2011/0025	Land off Chatburn Old Road	9	Under construction (1 no. dwelling completed between 01/4/18 and 30/06/18)
3/2012/0317	Pendle Hotel, Clitheroe Road	3	Conversion under construction
	Total	18	

6.33 As can be seen from the above, the HLAS now attempts to include the two sites highlighted which had permission at the time table 4.12 of the Core Strategy was prepared but were not included within the commitments for Chatburn. As these were already included in the commitments figures for elsewhere, they should not now be included within the figures for Chatburn. Therefore there are only commitments for 6 dwellings in Chatburn.

6.34 In summary, the housing requirement for Chatburn is 27 dwellings. By 30th June 2018, 8 no. dwellings have been completed. There are commitments for a further 6 no. dwellings. This means that 14 no. dwellings have either been completed or are committed, which contribute towards the 27 dwelling figure and 13 no. dwellings remain. The application proposals would therefore assist the Council in meeting the Chatburn's housing needs. It would also assist in meeting the overall housing requirement for the Borough as we now discuss:

Housing supply over the plan period

6.35 Our view is that the Core Strategy requirement will not be achieved unless further sites are granted permission or allocated through the HED DPD.

- 6.36 The Core Strategy sets out a minimum housing requirement of 5,600 dwellings to be delivered between 2008 and 2028. In the first 10.25 years of the plan period however, only 2,277 dwellings were delivered against a requirement over the same period of 2,869 dwellings. This leaves a minimum of 3,323 dwellings to be delivered in the remaining 9.75 years of the plan period (i.e. an annual average of 341 dwellings in each and every one of the monitoring years to 2028).
- 6.37 The table on page 12 of the HLAS show that at 30th June 2018 there were planning permissions for 3,970 dwellings. This would mean a flexibility of around 19% above the residual minimum requirement of 3,323 dwellings. However, not all of these 3,970 dwellings will be delivered in the plan period for the following reasons.
- 6.38 Firstly, not all of the sites with planning permission where construction has not started will be delivered in the plan period. Indeed, the HLAS applies a 10% slippage rate to these sites; and
- 6.39 Secondly, the Standen strategic site will plainly not deliver in full in the plan period. The Standen strategic site is allocated for 1,040 dwellings in the plan period 2008 to 2028. According to the Core Strategy (pages 178 and 179), it was due to start delivering dwellings in 2016/17 at a rate of 100 dwellings per year. That did not happen. At 31st March 2018, it had still not delivered any dwellings but was reported as being “under construction”. At 30th June 2018, only 9 no. dwellings had been recorded as completed. Taylor Wimpey is in the process of constructing the first phase of the development called “Half Penny Meadows”.
- 6.40 Each time the HLAS has been published since April 2014, the Council has claimed between 165 and 300 dwellings would be delivered in the respective five year period. That position is pushed back in every HLAS as the site has only delivered 9 dwellings to date.
- 6.41 The current HLAS considers that this site will deliver 190 dwellings in the five year period from 1st July 2018 to 30th July 2023. Our assessment is that 150 dwellings should be considered to be deliverable over the same period. However, even if the Council were correct, it would leave the remaining 841 dwellings to be delivered over the remaining 4.75 years of the plan period. This would mean a completely unrealistic build rate of 177 dwellings per annum, far in excess of even the 100 dwellings per annum suggested in the Core Strategy. There is no firm evidence that there would be more than one developer at the site.
- 6.42 Furthermore, there is no evidence at all that the site will deliver 100 dwellings per annum. In particular, we have seen no market evidence at all to substantiate this unevidenced and

implausible delivery rate. Applying the Council's build rate of 40 dwellings per year, the site would take 26 years to complete and would only deliver 400 dwellings in the plan period. This would leave 640 dwellings to be completed beyond the plan period. This in our view ought to be picked up in the emerging HED DPD but does not appear to be and comprises another reason to warrant the release of other deliverable sites now.

Five year housing land supply

- 6.43 As set out above, our primary case is that the application proposals are in accordance with the development plan because it represents expansion and / or consolidation of Chatburn, which is allowed under policy DMG2 of the Core Strategy. It would also assist in meeting the unmet requirement for Chatburn and the Borough as a whole, which is consistent with policies DS1, DMG2 and DMH3. Therefore, in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 11(c) of the NPPF, planning permission should be granted without delay.
- 6.44 In the event the Council considers there is conflict with the development plan, because the Council cannot demonstrate a deliverable five year housing land as it is required to do under paragraph 73 of the NPPF, in accordance with footnote 7 of the NPPF, the tilted balance set out in paragraph 11(d) of the NPPF applies and therefore permission should be granted because there are no policies listed in footnote 6 of the NPPF which apply and there are no adverse impacts which would be capable of significantly and demonstrably outweighing the benefits.
- 6.45 A statement of common ground is being prepared between the applicant and the Council to provide the clear evidence that the application site will deliver all 9 dwellings in the next five years to assist the Council in addressing the shortfall in its five year supply.

7. Summary and conclusions

- 7.1 This planning statement is submitted in support of an application for permission in principle for the residential development of up to 9 dwellings at land to the south of Old Road, Chatburn (LPA ref: 3/2018/0943). The application is the resubmission of a previous application which was refused earlier this year (LPA ref: 3/2018/0582). There have been significant material changes which have resulted in the resubmission as well as clarification on conformity with the development plan.
- 7.2 Our primary case is that the proposed development is in accordance with the development plan and in particular policies KS1 and DMG2, which allow for development in the Tier 1 Village of Chatburn as long as it falls within the definition of expansion and / or consolidation, which in this case the development does. The proposed development also accords with policy DMH3 of the Core Strategy because it would meet Chatburn's housing need as well as assist the Council in meeting the overall housing requirement for the Borough. Therefore, we respectfully ask that the application be approved without delay in accordance with paragraph 11(c) of the NPPF.
- 7.3 In the event that the Council disagrees and finds that the proposed development would be contrary to the development plan, there are other material considerations, which mean that permission should be granted. These are firstly that the proposed development would assist in meeting the unmet housing requirements for Chatburn and the Borough as a whole and secondly, by virtue of the absence of a five year supply of housing land, the tilted balance set out in paragraph 11(d) of the NPPF applies and there are no site specific or other adverse impacts which significantly or demonstrably outweigh the benefits the proposed development would deliver.

8. Appendices

- EP1. Application site within the context of the proposals map used for development management purposes

EP1

**Ribble Valley Borough Council –
A Local Plan for Ribble Valley
2008 – 2028**

**Proposals Map –
Regulation 18 Consultation
August 2016**

Inset Maps

SHEET 5	SHEET 6 (reverse)
17 Brockhall Village	26 Grindleton
28 Chatburn	31 Rimington
29 Downham	20 Sabden
15 Langho	18 Whalley and Surrounding Area (includes Barrow, Billington, Calderstones and Wiswell)
9 Mellor Brook	
10 Osbaldeston	
21 Pendleton	
19 Read/Simonstone	
30 Sawley	
24 Waddington	
14 Wilpshire	

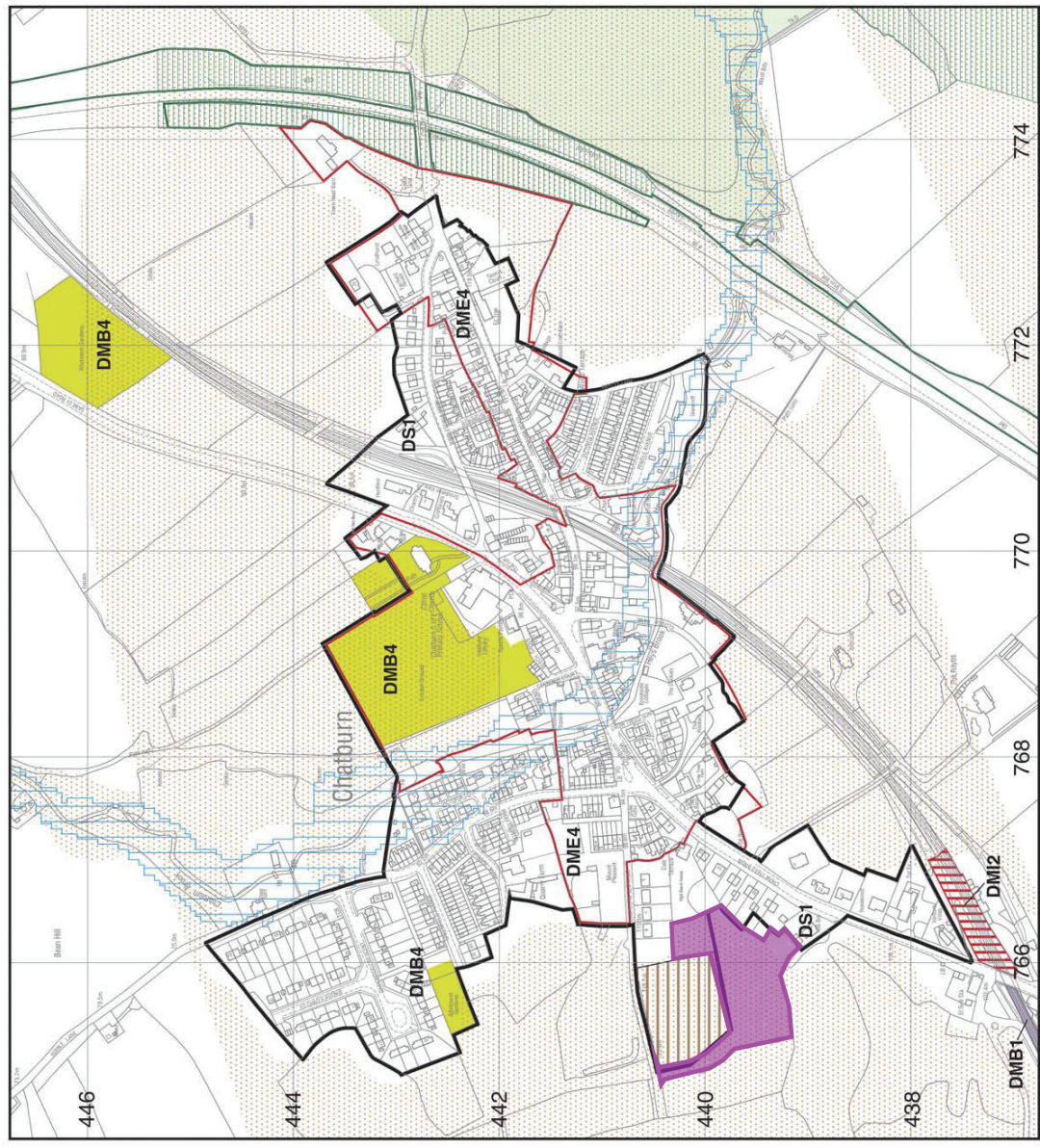
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SHEET 5

Key

	Borough Boundary
	Inset Map Boundary
	Draft Settlement Boundary DS1
	Committed Housing Site DS1
	Committed Employment Sites DMB1
	Existing Employment Area DMB1
	Ancient Woodland DME1
	Area of Outstanding Natural Beauty (AONB) EN2
	County Biological Heritage Site DME3
	Existing Open Space DMB4
	Green Belt EN1
	Local Geodiversity Heritage Site EN4
	Site of Special Scientific Interest DME3
	Conservation Area DME4
	Scheduled Ancient Monument DME4
	Flood Risk Area (Flood Zone 2) DME6
	Minerals Safeguarding Area EN3
	Open Countryside EN2
	Protected Railway Station Site DMI2

Inset 28 - Chatburn



All maps are at Scale 1 : 5,000



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