
Appeal Decision

Site visit made on 22 May 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/T2350/W/20/3246080

Land at Oakhaven, Showley Road, Clayton Le Dale BB1 9DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Johnson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0556, dated 17 June 2019, was refused by notice dated 2 August 2019.
 - The development proposed is the construction of three dwellings following the demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with details of access only, all other matters are reserved for future consideration. The submitted plans show the layout of the site and the dwellings, I have treated these as indicative only.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for housing, having regard to development plan policies relating to the location of development and proximity of services;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the development on highway safety with regard to vehicle access.

Reasons

Suitability of Location

4. The appeal site is in open countryside, outside of the settlement boundaries shown on the proposals map for the area. Key Statement DS1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (2014) (the CS), states development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Proposals must also meet at least one of the considerations in Policy DMG2, and satisfy the criteria

set out in Policy DMH3 of the CS. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside.

5. There are a small number of houses near the appeal site, however, these are well spaced apart, and the area is sparsely developed. The nearest settlements providing day to day shops and services are located at Mellor, Mellor Brook and Wilpshire. The distance and separation of the site from these settlements is apparent when traveling along the A59, and Showley Road through open countryside. Although there are a small number of pubs and restaurants nearer to the site, these facilities would not meet the day to day needs of future occupants. Therefore, the site is both physically and functionally isolated in this regard.
6. Pedestrians and cyclists traveling to and from the site would need to use Showley Road, this has a narrow carriageway, and does not benefit from footpaths or street lighting. It is unsuitable and would deter occupants from walking or cycling. Also, the nearest bus stop is a significant distance away on the A59. Therefore, they would be reliant upon private motorised transport.
7. Turning to social and economic benefits, the proposal would provide additional homes, a small amount of direct and indirect employment, some additional local spending, council tax and new homes bonus receipts. However, overall this would provide limited support to the vitality of the rural community and nearby villages, due to the small number of dwellings proposed, the location of the site and the access constraints.
8. With regards to need, the appellants have provided supporting information and a socio economic profile of the area. However, this does not demonstrate that the proposal accords with the definition of local needs housing, which is defined in the Glossary in the CS. There is no substantive evidence before me that the proposal is essential to the local economy or social wellbeing of the area.
9. In terms of regeneration, the site is currently in use, and at the site visit I saw that the building was well-kept and not in such a condition that its redevelopment would be beneficial to the area. I also note the suggested materials and landscaping proposals. However, these are indicative and appear to be mitigation rather than enhancement to aid regeneration.
10. Based on the evidence before me there is no neighbourhood plan for the area, and it has not been advanced that the appeal proposal would satisfy neighbourhood planning legislation.
11. For the foregoing reasons, the site would not be a suitable location for housing. It would not accord with Key Statements DS1, DS2 and DMI2, Policies DMG2, DMG3 and DMH3 of the CS which collectively seek to direct new development to sustainable locations, maintain the vitality of rural communities, and reduce the reliance on use of the car. It is also inconsistent with paragraphs 78 and 79 of the Framework which seek to locate housing where it will enhance or maintain the vitality of rural communities, and to avoid the development of isolated homes in the countryside.

Character and Appearance

12. The surrounding area is characterised by open fields, hedgerows, and sparsely located buildings. The existing building is positioned centrally within the appeal

- site, it is agricultural in appearance and largely covered in climbing plants. As such, the building blends into the landscape and makes a positive contribution to the prevailing rural character and appearance of the area.
13. In contrast, the proposed development of up to 3 dwellings would appear relatively dense in comparison to the otherwise sporadic nature of housing in the area. This combined with the associated private gardens and domestic paraphernalia, would have an urbanising affect.
 14. Whilst the scale, design and appearance are reserved, this does not lessen my concern that the dwellings would appear unduly imposing and incongruous in this otherwise open and rural location, particularly when viewed from Showley Road and the Public Right of Way (PRoW) which crosses the adjacent field.
 15. The landscape appraisal highlights key landscape features that would be retained and identifies opportunities for enhancement. However, in my view this would not be an improvement on a site that is in keeping with its surroundings. The introduction of the dwellings would not respect the prevailing rural character and appearance of the immediate area.
 16. I conclude that the proposed development would harm the character and appearance of the area. As such it would not accord with Key Statement EN2 and policies DMG1, DMG2 and DMH3 of the CS, which collectively seek to ensure that new development is of an appropriate scale and design, respects local character and integrates with its surroundings.

Highway Safety

17. The proposal is to utilise the existing vehicle access. This has poor visibility due to the proximity and height of the adjacent boundary hedges, and the curvature of Showley Road. In particular, when exiting the property sightlines to the right are obscured, this prevents visibility of oncoming traffic, and impedes inter-visibility with pedestrians and cyclists.
18. Therefore, based on the evidence before me, reinforced by the site visit, alterations would be required to the existing access arrangements by either reducing in height, removal or re-aligning the adjacent hedgerow. In my view this would be necessary to ensure the safety of highway users.
19. The Local Highway Authority (HA) have specified a visibility splay, and the appellants have provided an illustrative plan. However, there is no evidence before me to demonstrate that this land is within the ownership or control of the appellants, consequently there is no feasible way to secure the required works.
20. The appellants' claim that the current stables on site would attract greater volumes of traffic, and larger vehicles. However, this has not been substantiated in the evidence before me, and the stables do not benefit from planning permission. This does not assuage my highway safety concerns.
21. On this basis, the proposed development would have an unacceptable impact on highway safety, such that it would not accord with Policy DMG1 of the CS, that states all development must ensure safe access, which is suitable to accommodate the scale and type of traffic to be generated.

22. The Council have referred to Policy DMG3 in the reason for refusal, however this Policy relates to transport and mobility and is therefore not relevant to this main issue.

Other Matters

23. The parties dispute whether the site is greenfield or brownfield. Even if I were to accept the appellants' case that the site is brownfield, the limited positive weight that this factor would attract would not outweigh the totality of harm that I have identified in my findings above.
24. I have taken into account the High Court Decision¹ regarding housing provision beyond the Council's 5 year housing land supply being a material consideration. In my view the proposal would provide additional benefits to housing, however, given the number proposed these benefits would be small. Therefore, this is attributed limited weight, which would not outweigh the harm identified above.
25. I have considered the imposition of a condition for electric vehicle charging, paragraph 103 of the Framework and the Feniton² case. Whilst development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as development in urban areas, this does not alter my findings with regards to the suitability of location.

Conclusion

26. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

R Cooper

INSPECTOR

¹ CO/1470/2019

² APP/U1105/A/13/2191905