
Appeal Decision

Site visit made on 10 October 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th October 2017

Appeal Ref: APP/T2350/W/17/3174924

Lower Standen Hey Farm, Whalley Road, Clitheroe BB7 1EA

- 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 and Mrs Dummer against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2016/1196, dated 20 December 2016, was refused by notice dated 28 February 2017.
 - The development proposed is the erection of 5 no. dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is near a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2012 (the Framework).
4. The appellants have drawn my attention to an appeal decision¹ relating to a nearby building to the west of the appeal site. Whilst I have paid careful attention to this decision, the circumstances are not similar in all respects because it is not within the setting of the listed building, has a significantly greater regard for its immediate landscape context, relies upon a more innovative design approach and predates the existing development plan. Consequently, this appeal has been determined on its individual merits and the evidence before me.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area, bearing in mind the special attention that should be paid to the setting of the nearby Grade II listed building, 'Lower Standen Farmhouse'.

Reasons

6. The appeal site is situated near the southernmost extent of the market town of

¹ APP/T2350/A/12/2186164

Clitheroe. It comprises an extended curtilage of a listed farmhouse and an area of adjacent pasture that fronts onto the A671. The land generally rises from this road towards the farmhouse and is physically separated from the settlement by Pendleton Brook. The proposal comprises five detached dwellings arranged along an east-west axis. Access to the site would be via an existing driveway that links the A671 to a cluster of residential dwellings to the south west of the appeal site.

Character and appearance

7. 'Lower Standen Farmhouse' (Ref: 1072091) dates from the early 19th century and has a number of curtilage structures to the rear that have been converted for residential use. The farmstead occupies an elevated position in the landscape to the west of the A671. Historic mapping confirms the presence of the farmstead and indicates that it was surrounded by agricultural land. The building comprises a single range with a subservient, later addition projecting from its northern gable end. It is constructed from coursed rubble which is covered in pebbledash render on its front elevation. This building has an unusual single storey and two storey bow window either side of its main entrance.
8. Whilst the setting of the building has been subject to domestication, with over-sized barn conversions and the construction of a modern bungalow immediately to the south, it nevertheless retains an agricultural character. This is because the farmyard to the rear and pasture around the front still remain clearly legible. As these features are indicative of its former use they are of evidential value. Notwithstanding the nearby bungalow, the buildings occupy a visually distinct position in comparison to the main settlement and, in landscape terms, are consequently read as a farmstead rather than as a residential development. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the extended curtilage and pasture to the northeast of this building.
9. I observe from the plans and my site visit that the proposal would lead to a significant reduction in the openness of the nearby pasture and that the listed building would no longer remain legible as a semi-isolated building associated with a former farmstead, despite the retention of a small area of pasture in the southern part of the appeal site. I accept that this would maintain a primary view of the main elevation with glimpses of the farmyard beyond. However, this ignores the views of the wider farmstead, as set out above, which also contribute to its setting and thus its evidential value.
10. Consequently, I find the assessment of heritage significance too narrowly defined and therefore somewhat contrived. Furthermore, the suggestion that the proposal would be less harmful than changes that have already occurred carries little weight as the existence of harm is not a justification for further harm. Bearing in mind the existing rural character and appearance of the site, when viewed from the A671, I also find that the proposal would have a highly incongruent, suburbanising effect on the immediate area. This would not only result from the staggered, linear layout of the buildings and their regimented roof form, but also the associated hard landscaping, plot subdivision and domestic paraphernalia of future occupants.
11. Whilst I accept that more distant, undefined, vantage points may give rise to an inter-visibility that might suggest that the proposal is an integrated

extension of the southern settlement boundary, this is not how the proposal would be experienced by the majority of people who would regularly view the site from the A671. The appellants are of the opinion that the proposal would be well related to more recent development to the north of the appeal site. However, the open countryside is clearly demarcated at this point by the topography and vegetation associated with Pendleton Brook. Whilst similar in design, the proposal would result in the disruption of an otherwise visually distinct settlement boundary. Given the above, I find that the proposal would not only harm the setting of the listed building but would also be detrimental to the character and appearance of the rural landscape to the south of Clitheroe.

12. This impact would be significant given the high degree of visual prominence of the site. I observed that the proposal would be clearly visible to southbound road users given the rising ground, low stone wall and small number of intervening, deciduous trees. Whilst the trees are mature and would provide some screening during summer months this would not be the case during winter months when the scheme would be clearly visible. In any event, the trees are an impermanent feature that could be removed or die from natural causes at any time on the basis of the evidence that is before me. This also applies to the evergreen, boundary vegetation further to the south. If lost, the scheme would become clearly visible to northbound road users as well. As I have no planning mechanism before me to ensure the retention of these features, they cannot be relied upon to mitigate the harm that I have identified.
13. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the separation distances and retention of some of the pasture, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Clearly, the proposal would make, an albeit, small contribution to housing provision and would be sustainably located in close proximity to a settlement with a wide range of services and alternative modes of transport. However, I do not find that this outweighs the harm that would be caused to the setting of the listed building to which considerable weight and importance must be attached.
14. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with key statement EN5 and policies DMG1 and DME4 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) that seek, among other things, to ensure that the settings of heritage assets are conserved and protected and that all development has regard to its surroundings, including any impact on landscape character. As a result, the proposal would not be in accordance with the development plan.

Housing land supply

15. Clitheroe is designated a Principal Settlement in Key Statement DS1 of the CS

which seeks to guide development to the most appropriate locations within a series of identified settlements. When development occurs outside settlement boundaries, as defined by the retained proposals map of the former local plan, it is deemed to be in the open countryside and policies DMG2 and DMH3 of the CS apply. The appellants accept that the site is outside the currently defined settlement boundary but are of the opinion that it may be subject to change in the emerging plan. However, the Council have indicated that there are no unresolved objections to the position of the settlement boundary at this location and that it will therefore remain unaltered on the emerging proposals map. Bearing in mind the late stage of the emerging plan, I give this some weight in the planning balance of this appeal.

16. Policy DMG2 indicates, among other things, that development in the open countryside will be required to be in keeping with the character of the landscape. This would clearly not be the case, as set out in paragraph 10-12 of this decision. Policy DMH3 goes on to identify a number of exceptions where development may be permitted. None of these apply in this particular instance and this fact is not disputed. However, the appellants have disputed the presence of a deliverable 5-year housing land supply (HLS) which, if accepted, could lead to the engagement of paragraph 49 of the Framework which, in turn, would engage the so called 'tilted balance' as set out in paragraph 14 of the Framework. Irrespective of any conclusion relating to 5-year HLS, paragraph 14 would not be engaged, however, because of the harm that I have identified to the setting of the designated heritage asset. This is because footnote 9 of paragraph 14 of the Framework indicates that development should be restricted under such circumstances.
17. The Council has indicated that it has a 5.73-year HLS which is based on information from April 2017 which is materially different from the position at determination which was based on information from September 2016. Despite this fact, the appellants maintain that a deliverable 5-year HLS is not present. This is because they contend that a 5% buffer should not have been applied and that the available housing land supply has also been overestimated.
18. Turning to the first matter, the Council has justified the use of a 5% buffer through the application of a 'housing delivery test', as set out in a recent Government White Paper². This suggests that a 20% buffer should not apply where completions over the last three years of a monitoring period exceed the annualised requirement, as set out in a development plan. Whilst clearly signalling Government intent, I find the adoption of this approach premature at the current time because it is based on a consultation document that could be subject to change despite the fact that the approach was due for implementation by November 2017. In any event, I note that the Council has used an unadjusted annualised requirement of 280 houses which has failed to account for a backlog of 750 houses which gives a higher annualised requirement of 430. Under such circumstances, it is clear that the Council has failed to meet its annual targets since the beginning of the plan period. As such, I am satisfied that a persistent record of under-delivery is present.
19. Turning to the second matter, the appellants have suggested that there is a shortfall of deliverable housing that amounts to 2,357 homes rather than the 2,588 homes identified by the Council. This difference turns on the

² Fixing our Broken Housing Market. February 2017. HM Government.

deliverability of three sites: Higher Standen Farm; 23-25 Old Row; and Lawsonsteads. The Council concedes that the last site will make a reduced contribution of between 90-120 homes rather than the 160 that has been estimated but is satisfied that the other two sites will deliver the expected number. In relation to the first site, I acknowledge the 'conversation' that occurred with the housebuilder but find that the conclusions have not been substantiated in any written evidence. Consequently, this assertion only carries limited weight in the balance of this appeal. In relation to the second site, I acknowledge that a reserved matters application is still pending and note the site history. However, under the terms of footnote 11 of paragraph 47 of the Framework I am satisfied that the site can still be considered deliverable.

20. Given the above, it follows that a potential shortfall of up to 70 homes would result in a 4.89-year HLS with a 20% buffer and a 5.57-year HLS with a 5% buffer. However, the Council have allowed for a 10% slippage in its calculations for all sites with planning permission or awaiting Section 106 agreements that had not commenced by the 31 March 2017. As this amounts to 177 homes and is not disputed by the appellants, I am satisfied that a 5-year HLS is present at the current time whichever buffer is applied.
21. I acknowledge the evidence concerning the local development land market across the Borough. However, the conclusions were not based upon a full market research report, as indicated in the relevant letter. Moreover, the evidence comprised a single sentence which concluded that there was an upper sales limit in 2016 of around 2 houses per month. This was based upon informal reporting rather than quantitative evidence and lacks a suitable degree of robustness as a result. Furthermore, sales are not the same as completions and asking prices can be adjusted. Consequently, this evidence can only be viewed as subjective, unsubstantiated opinion of a highly generalised nature with no specific link to the above sites. I therefore give it limited weight in the planning balance of this appeal.
22. Given the above, I conclude that the development would be in the open countryside and that the full weight of locational policies applies. The proposal would therefore be contrary to policies DMG2 and DMH3 of the CS and would not be in accordance with the development plan.

Conclusion

23. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR