
Appeal Decision

Hearing Held on 10 December 2019

Site visit made on 10 December 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/T2350/W/19/3235162

The Stables, Chaigley Road, Longridge, Preston PR3 3TQ

- 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 Andrew Billington against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0507, dated 1 June 2018, was refused by notice dated 14 March 2019.
 - The development proposed is described as "outline application for up to 10no. self-build dwellings with all matters reserved save for access".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with details of access only, all other matters are reserved for future consideration. Submitted plans show the layout of the site and the dwellings, I have treated these as indicative only.
3. Since the application was determined the Council have adopted the Housing and Economic Development – Development Plan Document (the DPD). I understand that the DPD is subject to a legal challenge, nonetheless the DPD remains an adopted document at this time.
4. At the hearing a number of documents were submitted as late evidence, including a Statement of Common Ground, signed by both parties. I have therefore had reference to these documents.

Main Issues

5. The main issues are:
 - a) Whether the development would accord with development plan policies relating to the location of development; and,
 - b) the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal proposal seeks outline planning permission for a self-build residential development consisting of up to 10 plots with details of access included.
7. The appeal site consists of an equestrian operation including stables, sand-based arena and grassed paddocks. The site is situated at a lower level to Higher Road and Chaigley Road, adjacent to a public park and play area on the edge of the settlement of Longridge. Opposite the appeal site, also accessed from Higher Road is a caravan park that is largely screened from view.

The Development Plan

8. The appeal site is outside of the defined settlement boundaries, which in this location largely follow the rear boundaries of residential properties to Chaigley Road, creating a well-defined boundary. The settlement boundaries are that shown on the Proposals Map published with the now replaced Districtwide Local Plan, as amended by the DPD.
9. Key Statement DS1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (the CS), states that development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Policy DMG2 of the CS relates to development outside of the defined settlement areas and requires that development must meet at least one of the listed considerations, including "that the development is for local needs housing which meets an identified need and is secured as such".
10. The parties' dispute focusses on whether the development would be local needs housing. The Glossary in the Local Plan defines this as housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment (SHMA).
11. I have no substantive evidence before me to demonstrate that the housing waiting list, housing needs survey for the parish or the SHMA identifies a local need for self-build dwellings. I therefore find that the appeal proposal does not accord with the definition of local needs housing detailed in the CS.
12. The appellant states that the proposed development would deliver regeneration benefits. However, I have no substantive evidence regarding any benefits that the proposed development would deliver beyond the provision of housing, specifically self-built, and landscaping, the latter appears to be in mitigation rather than simple enhancement of the current state. Furthermore, I noted at the site visit that the site was occupied and not in a use or condition such that its redevelopment would be advantageous.
13. It has not been suggested that the appeal proposal would satisfy neighbourhood planning legislation and on the basis of the evidence before me I agree.
14. I therefore find that, for the purposes of Key Statement DS1, it has not been demonstrated that the appeal proposal would deliver regeneration benefits. I shall consider the merits of self-build dwellings later in my decision.

15. With regards the compliance of the proposed development with the Development Plan, the proposal would introduce build development into the open countryside outside of the defined settlement boundaries and is therefore contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the CS which set out the Council's approach to the location of development.

Character and Appearance

16. The appeal site is situated on the edge of the existing settlement, is ringed with mature trees and with limited visibility to a wider area. The site is generally open in character and appearance, albeit there is some notable built form on the site, specifically with regards the stables and other equestrian paraphernalia.
17. I note that the Zone of Theoretical Visibility (ZTV) identified by the 'Landscape and Visual Appraisal Addendum (May 2019) (LVIA) is shown as being limited in size and as including land and properties that lie within the existing settlement. However, it does not follow that as a result there would be a visual relationship or link between the settlement and the developed appeal site. Furthermore, while the visibility of the proposed development is shown in the LVIA Addendum to be limited, in part as a result of proposed screen planting, the development would nonetheless be visible from a number of viewpoints including the adjacent Higher Road.
18. The submitted plans, while indicative only show that the appeal scheme would result in the site being comprehensively developed, with the exception of the northern most section of the site, resulting in a form of development that is a significant encroachment into the countryside. The proposed houses, while often viewed in the context of the nearby built form of Longridge, would nonetheless be seen as a development that was separated from the established built form of the settlement.
19. I saw at the site visit that the appeal site is clearly visible from Higher Road when approaching and leaving Longridge, indeed Table 2 of the LVIA identifies that for travellers using Higher Road the assessment of residual effects, even after 15 years is "High/med (magnitude), Moderate (significance) and Adverse (effect)". While I acknowledge that the predicted visual effects of the appeal scheme are notably lower from other visual receptors, I nonetheless find that the proposed development would harm the character and appearance of the area.
20. The harm I have identified to the character and appearance of the area is contrary to Policies DMG1 and DMG2 of the CS that seeks, amongst other matters, that new development is in keeping with the character of the area and designed to be sympathetic to existing land uses.

Other Matters

21. It is the appellant's position that the Local Plan is silent in terms of the provision of self-build housing. The term 'silent' is not defined, but the Local Plan is not silent on the Council's approach for development proposals for housing in the Borough, particularly in relation to their location. Hence, the Local Plan contains a body of policy relevant to the proposal at hand to enable a judgement to be reached as to whether or not the appeal scheme accords with the development plan.

22. The appellant states that because the Strategic Housing Market Assessment does not refer to the Council's 'self-build and custom housebuilding register' and as a result of its age, it is consequently out of date and thus paragraph 11d)ii of the National Planning policy Framework should be engaged.
23. However, while the SHMA is now of a considerable age it is not a policy but rather part of the evidence base for a future review of the plan and the SHMA does not set housing targets but provides an assessment of the need for housing across the functional Housing Market Area (HMA), making no judgements regarding future policy decisions which the Council may take.
24. I therefore find that the local plan is not rendered out of date by age of SHMA and therefore paragraph 11d)ii of the National Planning policy Framework is not engaged.
25. Furthermore, irrespective of whether or not demand for self-build plots would be included in a future revision of the SHMA, for the purposes of Key Statement DS1 of the CS, self-build plots are not included in the SHMA before me at the time that this appeal is determined.
26. The appellant has referred to the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land within the relevant authority.
27. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and for Local Authorities to have regard to the demand for custom build housing as evidence by the registers when exercising certain functions, including those relating to planning. The Act does not however provide for the approval of self-build plots irrespective of or as an exception to the provisions of the development plan.
28. With regards the Self-build register, while the exact number of people on the register is subject of dispute between the parties and a number of different figures were presented at hearing, irrespective of the exact number of interested parties on the register there is clearly a desire for self-build plots.
29. It is not at dispute between the parties that the Council has not granted any planning permissions specifically for self-build homes, though I note that other housing consents granted by the Council could come forwards including some self-built plots. Therefore, the provision of self-build plots by the appeal scheme is a material consideration that weighs in favour of the scheme but does not outweigh the harm I have previously identified.
30. Furthermore, the development of 10 new houses with a corresponding contribution to supporting businesses in the local area is a material consideration that weighs in favour of the appeal scheme. It does not however outweigh the harm that I have identified previously.
31. In arriving at this judgement, I have taken into account the two appeal decisions¹ that the appellant has referred to. However, I do not have full details of these schemes and so cannot be certain that the circumstances are the

¹ APP/T2350/W/18/3210850 - 10 December 2018 'Wiswell' and APP/G2435/W18/3214451 & APP/G2435/W/18/3214498 - 25 June 2019

same for this appeal. In any event I have considered the appeal proposal on its own merits.

Planning obligation

32. A completed planning obligation (i.e. unilateral undertaking dated 10 December 2019) has been submitted as late evidence at the hearing. The Council has confirmed that it raises no objection to the 10 December 2019 planning obligation in terms of its content or drafting.
33. The planning obligation would mean that any developer would be bound by the covenants and requirements of the completed planning obligation dated 10 December 2019. The planning obligation would include the provision of the dwellings for self-build plots and a requirement to pay towards secondary school places. I am satisfied that the legal agreement would be necessary to make the development acceptable and that it meets all of the planning obligation tests as laid out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.

Conclusion

34. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Anthony Gill	Kings Chambers
Daniel Hughes	PWA Planning
Stephen Laws	PDP Associates
Josh Hellowell	PWA Planning

FOR THE LOCAL PLANNING AUTHORITY:

Rachael Scott	Ribble Valley Borough Council
Stephen Kilmartin	
Colin Hirst	

DOCUMENTS SUBMITTED AT THE HEARING

1. Revised redline Plan.
2. Statement of Common Ground.
3. Planning Obligation