

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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STATEMENT OF CASE

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/21/3285462
LPA Application Reference:	3/2021/0820
Case Officer:	Stephen Kilmartin

Appeal By:
Mr & Mrs J Evans Against refusal of planning permission ref: 3/2021/0820

Proposed Development:
Change of use of a domestic annex to form a separate dwelling

Site Address:
Tippings Meadow, Lyndale Avenue, Wilpshire BB1 9LP

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

Introduction

1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for the change of use of a domestic annexe to from a separate dwelling at Tippings Meadow, Lyndale Avenue, Wilpshire, BB1 9LP.

1.2 The application was refused under delegated powers on the 21st of October 2021 for the following reason:

1. The proposal is considered contrary to Policy DMG2 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new residential dwelling in the defined Green Belt, located outside of a defined settlement boundary, without sufficient justification and would create a precedent for the acceptance of other similar unjustified proposals which would cause harm to the development strategy for the borough and 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.

Appeal Site and Surrounding Context

2.1 The application relates to an existing single-storey annexe associated with Tipping Meadow, Lyndale Avenue, Wilpshire. The application site is located outside of the defined settlement boundary for Wilpshire being on land benefitting from a Green Belt designation.

2.2 The annexe building is located towards the northern extents of the residential curtilage associated with Tippings Way. The building is located within a small, dispersed cluster of dwellings located on the northern periphery of the settlement of Wiplshire.

2.3 The defined settlement boundary for the settlement of Wilpshire terminates at the southern extents of the residential curtilage of Tippings Way, as such the proposal is considered to be located outside of the defined settlement boundary.

Relevant Planning Policy & Guidance

- 3.1** The planning The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

National Policy Context

- 4.1** The National Planning Policy Framework (July 2021) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in the determination of the appeal.
- 4.2** The NPPF (Para.2) reaffirms that the planning system is plan-led and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Local Policy Context

- 5.1** The Inspector's final report into the examination of the Core Strategy is dated 25th November 2014 and was made public at 9.00am on Tuesday 2nd December 2014. The Inspector (Simon Berkeley) concluded that, with the recommended main modifications set out in the Appendix to the Inspector's report, the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. The formal adoption of the Core Strategy (including the Inspector's modifications) was considered and adopted at a Meeting of Full Council on Tuesday 16th December 2014.
- 5.2** In view of the Inspector's conclusions and the subsequent formal adoption of the Core Strategy the local planning authority considers that full weight can now be given to the Core Strategy which fully supersedes the Districtwide Local Plan (1998) and is therefore the starting point for all decision making within the Borough.

Principle of Development

- 6.1** The application site lies within the defined Green Belt, being located outside of the defined settlement of Wilpshire, as such and given the application seeks consent for new residential development, Policy DMG2 is fully engaged. The policy, amongst others, seeks to restrict residential development outside of defined settlements to that which meets a number of exception criteria, one of which being that such proposals are required to satisfy an identified local need.
- 6.2** Policy Given the sites location outside of a defined settlement boundary, Policy DMG2 remains fully engaged. Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged when a proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.
- 6.3** The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.
- 6.4** In this respect, when assessing the locational aspects of the development, Policy DMG2 states that:

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 wellbeing 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.*

6.5 In this respect the applicant has not provided any supporting information as to how the application seeks to meet an identified or evidence outstanding need nor does the Local Authority consider or have evidence that there is a clear identified outstanding need for new residential accommodation that must be met in this location.

6.6 The Ribble Valley Core Strategy states that local needs housing is defined as *'the 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'*.

6.7 As such, and in the absence of the applicant providing evidence to suggest otherwise, the Local Planning Authority considers that the proposal cannot be supported given there is no evidenced need to meet the exception criterion contained within DMG2, furthermore the proposal fails to meet the definition of local needs housing as defined within the adopted development plan.

6.8 Taking account of the above it cannot be argued that there exists any impetus to grant further consents for residential dwellings, outside the defined settlement boundary in this location. Nor can it be argued that the proposal meets any of the exception criterion of Policy DMG2, as such no support for the development can be afforded when considered against the adopted development plan.

Observations/Comments Appellants Case

6.9 The appellant within their supporting statement asserts that the proposal should be supported given it is not 'isolated' nor is it located in an 'unsustainable' location. However, it should be noted that the merits of the proposal must be assessed primarily against adopted development plan policy, in this case DMG2.

6.10 Regardless of the locational aspects of the proposal or proximity to the defined settlement boundary, Policy DMG2 is explicit insofar that the policy is engaged based on locational triggers alone, and in this respect the proposal fails to meet any of the exception criteria within the

policy, as such there is no policy mechanism within the adopted development plan that would afford support for the creation of a new residential dwelling in this location.

- 6.11** The engagement and application of DMG2 has been clarified through a number of previous Inspectors decisions (Appended) with the decisions finding clear policy conflict with DMG2 where residential development is proposed outside defined settlement boundaries.

For ease of reference for the Inspector these are summarised below:

6.12 APP/T2350/W/17/3186969 - LPA Ref: 3/2016/1082: Appendix 01

The Inspector concluded, at Higher Road Longridge, that proposed housing adjacent but outside the defined settlement boundary was *'not in accordance with key Statement DS1 and Policies DMG2 and DMH3 of the CS insofar as they are relevant to the location and supply of housing and the protection of the open countryside'*.

6.13 APP/T2350/W/17/3174924 – LPA Ref: 3/2016/1196: Appendix 02

The Inspector stated that *'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'* concluding that the proposed residential 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'*.

6.14 APP/T2350/W/17/3185445 – LPA Ref: 3/2016/1192: Appendix 03

The inspector stated that (Para.9) *'the appeal site is situated outside of the defined settlement boundary adjacent to the village of Read and it is common ground that it is within the 'countryside'. Policy DMG2 also includes that 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. Whilst the policy makes provision for development proposals in Tier 1 settlements that should consolidate, expand or round-off development so that it is closely related to the main built-up areas, the appeal site in this case is not in the defined settlement boundary.'* The Inspector further concludes (Para.14) *'that the appeal site is situated in the*

countryside and not within the settlement of Read and Simonstone as defined by the settlement boundary. Consequently, the appeal scheme conflicts with CS Policies DMG2 and DMH3.'

6.15 APP/T2350/W/19/3235162 – LPA Ref: 3/2018/0507: Appendix 04

The Inspector concurred with the Local Authorities application of DMG2 stating that Policy DMG2 '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"*.' Further stating that 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'*.

Conclusion/Statement of Case

- 7.1** Taking account of the above matters and all material considerations, the authority considers that it has not been demonstrated that the proposal is for that of local needs housing, as defined within the adopted development plan, that meets a current identified and evidenced outstanding need as required by Policy DMG2 of the adopted Core Strategy.
- 7.2** As such, the creation of a new independent residential dwelling in this location would be in direct conflict with the locational aspirations and spatial strategy for new residential development within the borough as embodied within the Ribble Valley Core Strategy.
- 7.3** It is for the above reasons and having regard to all material matters that the Inspector is respectfully requested to dismiss the appeal.