

**RIBBLE VALLEY BOROUGH COUNCIL**



Ribble Valley  
Borough Council

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**APPEAL STATEMENT**

**TOWN & COUNTRY PLANNING ACT 1990**

<b>Planning Inspectorate Reference:</b>	APP/T2350/W/22/3310867
<b>LPA Application Reference:</b>	3/2021/1008

<b>Appeal By:</b>	Mr & Mrs Michael and Liz Bell
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<b>Against the refusal by Ribble Valley Borough Council to grant planning permission for:</b>
Proposed new house of exceptional quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements.
<b>Site Address:</b>
Land at Higher Hodder Bridge (Field to South) Chipping Road Chaigley Clitheroe BB7 3L

**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 erection of a 'new house of exceptional quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements' at Land at Higher Hodder Bridge (Field to South) Chipping Road Chaigley Clitheroe BB7 3L.

1.2 The application was refused by delegated powers on the 12<sup>th</sup> of May 2022 for the following reason(s):

1. *The Core Strategy for the Ribble Valley seeks to direct development towards the most sustainable settlements as set out within the spatial vision for the borough within Key Statement DS1. The location proposed for development is outside of any settlement boundary, as defined in the Housing and Economic Development DPD Proposals Map, and is, therefore, in open countryside. Policies DMG2 and DMH3 of the Local Plan precludes residential development in the countryside unless certain tests are sufficiently met. In this respect the proposal is in direct conflict with these policies.*

*The submission contends that the scheme meets the criteria of Paragraph 80 (e) of the NPPF, however as the site is not considered isolated the essential key requirement of Paragraph 80 is not met in this instance.*

2. *Notwithstanding the fundamental matters of principle with regard to "isolation" the proposed development is not considered to represent truly outstanding design.*

*The design is a pastiche of Georgian Architecture with no distinction or invention and the inclusion of energy efficient features within a new build properties is not considered to represent outstanding design. The dwelling would lack the context of a traditional country estate which would have evolved through a set of specific economic and social circumstances.*

*As such the proposal is not considered to be outstanding or raise the standard of design and does not meet the exceptions set out at para 80e of the NPPF.*

3. *The proposal would fundamentally change the local landscape which has remained as agricultural land for over 150 years and would confuse the significance of the historic hierarchy of land uses which are an important characteristic of the AONB.*

*It would not significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area and does not meet the exceptions set out at para 80e of the NPPF*

4. *The site lies directly adjacent to Grade II listed Higher Hodder Bridge with the principal entrance to the site taken directly adjacent to it and in its immediate*

*setting. The formation of ornate entrance gates in the immediate setting will draw the focus away from the bridge and detract from its significance.*

*The proposal fails to make a positive contribution to local character and distinctiveness as it will detract from and confuse historic patterns of development and the hierarchy of dwellings founded in historic economic and social circumstances.*

*It is considered that the proposal would constitute harm to the wider setting of the nearby listed historic houses, the immediate setting of the bridge and the cultural heritage of the AONB which is not outweighed by public benefit and as such is contrary to the NPPF para 197 and 202 and policies EN2, EN5 and DME4 of the core strategy.*

5. *The submission fails to provide sufficient details with respect to the site access. There is no information provided with regard to visibility splays at the site entrances. In the absence of this it is not demonstrated that the intensification of the use of the access points would be acceptable in terms of highway safety.*
6. *The site partially lies within Flood Zones 2 and 3 as defined on the Environment Agency maps. No flood risk assessment has been included with the submission and therefore the impact of the proposal in terms of flood risk cannot be assessed. The proposal does not accord with Core Strategy Policy DME6 or the requirements at paragraph 167 of the National Planning Policy Framework and National Planning Practice Guidance.*

### **Appeal Site and Surrounding Context**

- 2.1 The appeal relates to an extensive area of green-field agricultural land located directly to the south-east of the eastern extents of Higher Hodder Bridge (Grade II Designated Heritage Asset). The appeal site lies within the Forest of Bowland Area of Outstanding Natural Beauty, also being located outwith any defined settlement limits.
- 2.2 The site bounded to the south by the River Hodder with the site being bounded to the north and east by areas of dispersed woodland and intermittent hedgerow and trees-planting. The topography of the appeal site is gently undulating with land-levels decreasing towards the River Hodder. A public right of way (3-20-FP1) leading from Chipping Road bounds the site at its northern extents. With a further public right of way (3-3-FP48a) running east to west on the southern side of the River Hodder.

### **Proposed Development for which consent is sought:**

- 3.1 The appeal seeks consent for erection of a 'new house of exceptional quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements'. The submitted details propose that the dwelling will provide an extensive provision of internal accommodation with associated outbuildings providing a gum, stable(s), tack-room, hay-store vehicular garaging and gardener's store.
- 3.2 It is further proposed that the dwelling will benefit from formal terraced areas, orangery and loggie. Primary vehicular access will be provided at the north-western extents of the site off Chipping Road with a secondary vehicular access 'track' being proposed at the northern extents of the site interfacing directly with an existing track/road.
- 3.3 The submitted details also propose significant areas of 'woodland' planting, 'formal' lawns, grassland margins, seasonal attenuation pond and significant areas of hard-landscaping and surfacing.

#### **Relevant Planning Policy & Guidance**

- 4.1 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**

- 5.1 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 planning decisions.
- 5.2 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. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

#### **Local Policy Context**

6.1 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.

6.2 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 decision making within the Borough.

### **Assessment of Proposed Development**

#### **Matter(s) of Principle**

7.1 The appellant asserts that paragraph 80 of the Framework should be primarily engaged in support of the proposal insofar that it represents an 'isolated dwelling). Paragraph 80 (formerly para 79 and before that para 55) of the National Planning Policy Framework 2021 (NPPF) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

7.2 In respect of the appeal proposal it is paragraph 80(e) that is primary relevance. However the authority consider that if the proposed dwelling would fail to be considered as 'isolated' the paragraph 80 cannot be engaged in support of the proposal. The approach to the meaning of the term 'isolated' was considered by Court of Appeal in Braintree District Council v Secretary of State for Communities and Local Government and Others [2018] EWCA Civ 610.

The approach set out in Braintree was usefully summarised more recently by the Court of Appeal in City and Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 320 (at 32 and 33):

*"There is, therefore, no need for any further discussion of what is meant by the concept of "isolated homes in the countryside" in this policy. The essential conclusion of this court in Braintree District Council , in paragraph 42 of the judgment, is that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider "whether [the development] would be physically isolated, in the sense of being isolated from a settlement". What is a "settlement" and whether the development would be "isolated" from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.....*

*To adopt remoteness from other dwellings, instead of remoteness from a settlement, as the test for "isolated homes in the countryside" would seem inconsistent with the Government's evident intention in producing the policy in paragraph 79. It would mean, presumably, that the policy would not apply to a development of housing in the countryside – large or small – on land next to an individual dwelling remote from the nearest settlement, because although the new homes might be "isolated" from the settlement, they would not be "isolated" from existing development. It would prevent the policy from applying to the development of additional dwellings, one or two at a time, on sites next to other sporadic rural housing, again on the basis that they would not then be "isolated".*

7.3 In relation to this matter regard must also be given to Lindbolm LJ judgment in Braintree in relation to the meaning of settlement (at 32):

*What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definition of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement or a "village" for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. ...*

7.4 In respect of the above it is recognised that there is no statutory definition of an isolated home, and therefore, each case will be considered individually and will be a matter of fact and degree planning judgement for decision-maker to decide whether a dwelling is 'isolated'. The requirement is that the homes is isolated from a settlement rather than simply from other dwellings. Therefore, the presence of nearby other dwellings alone will not mean that the home is not isolated. But if the characteristics of the area could considered a settlement, for the purposes of assessing whether the development is isolated, (which is a question of fact and degree rather than of policy) then the home will not be isolated.

7.5 In determining as to whether a proposal is consider 'isolated' (for the purposes of Paragraph 80 of the Framework), consideration must therefore be given in respect of the defining characteristics of the immediate area whilst having due regard to the above judgements. In this respect the appeal site and surroundings can be characterised as having the following characteristics:

- The site lies in an area of open countryside (AONB Designation) to the South of Higher Hodder Bridge 3 miles west of the centre of Clitheroe.
- The area is accessed via a well-used C classified road
- The site is within the settled area and a very well used road is only a short walk from the site.
- The density of development in the area is common of rural communities

- By car it is approximately a 5-minute journey to the edge of the principal settlement of Clitheroe and there is a limited bus service which takes approximately 10 minutes and stops adjacent to the end of the secondary access point.
- The main vehicular entrance to the site is directly adjacent to Hodder Bridge and opposite the former Hodder Hotel now converted to 8 dwellings. These dwellings are approx. 100 metres to the site entrance.
- The secondary entrance to the site passes 3 dwellings, linking to a public footpath skirting the site, the nearest being approx. 60 metres to the site boundary.
- There are a few other dwellings in the vicinity in small clusters; 500 metres to the East is Withgill farm which has former outbuildings now converted; Including the farmhouse there are 20 dwellings here.
- On the opposite side of the river within 250 metres of the site are another 6 dwellings the nearest being approx. 80 metres away and visible from the site.

7.6 In appellant asserts that the site is isolated being remote or separate from a settlement. As noted in the Braintree judgement there is no definition of settlement, village or community or required number of dwellings that would constitute this. In this case the characteristics of the immediate surrounding area, despite the lack of local services such as a shop, is akin to that of a small hamlet. As such whilst the application site it outside of the core strategy defined settlements it is considered that the characteristics of the area reflect a settlement for the purposes of assessing whether the site would be truly 'isolated'.

7.7 As such it is not considered that the proposed development complies with the key component of Paragraph 80 of the Framework in terms of being isolated. As such the authority considers that Para.80 cannot be engaged in support of the proposal.

7.8 The appeal site lies within the Forest of Bowland AONB be located outside any defined settlement limits, as such and given the proposal fails to meet the isolation exception test(s) of Paragraph 80(e) of the National Planning Policy Framework, Policies DMH3 and DMG2 of the Ribble Valley Core Strategy (RVCS) remain fully engaged for the purposes of assessing the proposal.

7.9 Policies DMH3 and DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and AONB to that which meets a number of explicit criteria, with Key Statement DS1 setting out the overall spatial aspirations for general development within the Borough. Given the proposal site is located outside of any defined settlement limits, being within land that benefits from an open countryside designation, Policy DMG2 is fully engaged for the purposes of assessment of the appeal proposal.



7.10 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.

7.11 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.

7.12 The proposal site is located outside of any defined settlement limits, in this respect, when assessing the locational aspects of the development, it is the secondary element of Policy DMG2 that is engaged (Policy DMG2(2)) which 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.*

7.13 Given the location of the site outwith any defined settlement limits , DMH3 is also applicable with the policy being engaged in parallel with Policy DMG2, in this respect Policy DMH3 states that:

*Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:*

- 1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
- 2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings*

*must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*

7.14 It is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture'.

7.15 In respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing' as defined within the Adopted Core Strategy which states that '*Local needs housing is 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*'.

7.16 In light of the above it cannot be considered that the proposal meets any of the exception criterion contained within either Policies DMG2 nor DMH3 of the Ribble Valley Core Strategy in relation to the creation of new dwellings outside of defined settlement limits.

7.17 As such, taking account of the above, proposal is considered to be in direct conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification - insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either of the policies.

**Paragraph 80(e) 'exception criterion':**

**(truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas)**

8.1 Notwithstanding the 'tests of isolation', the proposal must also be assessed against the other exception criterion within Paragraph 80, namely that of sub-criterion (e) which states that:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*e) the design is of exceptional quality, in that it:*

- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

8.2 The appellant states that the proposal meets the tests at para 80e as it would be the first country house in a traditional style to meet passivhaus plus standards globally. It is further submitted that it would significantly enhance the site which is currently agricultural land both visually and through landscape and biodiversity improvements. It is submitted that the proposal would raise the standard of design in rural areas.

8.3 The dwelling presented is a house which takes reference from Georgian architecture but is to be built to modern standards of energy efficiency and is claimed to be the first Passivhaus plus. Georgian country houses in the area such as Stoneyhurst have historic interest and as well as their architectural quality have significance because of their relationship to surrounding land uses, such as estates and parks and gardens. These houses developed due to a unique set of social, economic and political circumstances at the time. They reflected the status of the occupants and the clear social hierarchy of the time. Their influence on the landscape remains far reaching. In this regard the proposal is a pastiche and therefore not unique in terms of its style it could also detract from and confuse the significance of the historic country house.

8.4 The energy efficiency credentials and the intention to combine Passivhaus standards with traditional building styles are unusual but there is a question as to how this would be maintained and whether it would be truly outstanding being easily replicated elsewhere being that a minimum standard of energy efficiency is expected by building regulations and generally speaking consumers are conscious of the environment and wish to include eco-friendly features into their homes. Passivhaus is split into 3 categories,

- Passivhaus classic - of which it is understood there are 152 new build dwellings in the UK
- Passivhaus plus – which achieves net zero annual energy balance and it is understood there are 8 in the UK
- Passivhaus premium – typically far more energy is produced than needed and there are 24 in the world.

- 8.5 The high standards of energy efficiency are welcomed, but that in itself is not considered outstanding. As discussed above there are numerous houses to Passivhaus standards in this country and globally as well as a higher level of certification being available. Furthermore, it would be difficult to monitor whether the dwelling was performing to those standards or indeed take enforcement action if it were not. Conditions or planning obligations requiring this would not be considered to meet the tests set out in planning practice guidance. It is not considered that a condition could be sufficiently precise or enforceable nor a planning obligation be considered to be sufficient make the proposal acceptable.
- 8.6 The appeal proposal is considered to be a 'pastiche' of a historic country house introduced into an area that is agricultural in character. As aforementioned the historic estates grew up from a specific set of circumstances and contribute to our understanding of historic relationships between places. This cannot replicate that and given that it is taking influence from historic houses some of which are cited in the supporting information and are high grade listed, in this respect the proposal is not considered to represent the 'raising standards of design'.

**Paragraph 80(e) 'exception criterion': -**

**(significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area)**

- 9.1 The appeal site has changed very little since the OS maps of 1847 and has been agricultural land. It is noted that field boundaries have been lost but the character of this landscape is agricultural with small clusters of buildings relating to historic land use in the vicinity. The application states that the area would be restored. It is unclear what this means as the area has been agricultural land for at least 150 years and the only perceivable change is loss of field boundaries which are not proposed to be reinstated.
- 9.2 It is considered that the proposal will have a significant measurable visual impact on the landscape which is currently characterised as being open agricultural land. The fundamental cumulative level of visual change to the character and defining characteristics of the immediate and wider landscape resultant from the proposal, the associated extensive hard-landscaped and formal garden areas are not considered to be a visual enhancement or be sensitive to the defining characteristics of the local area. Particularly insofar that the immediate area possesses the characteristics of a small hamlet characterised by agricultural-type lower status buildings in an agricultural setting.

- 9.3 Paragraph 176 of the Framework states that: “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
- 9.4 In concert with Para. 176, Ribble Valley Core Strategy Policy EN2 is engaged which requires that ‘any development will need to contribute to the conservation of the natural beauty of the area. The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced’ with the requirements of EN2 further stipulating that ‘the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials’.
- 9.5 The site is within landscape character type, undulating riparian meadowland. Comments have been received from LCC’s AONB manager and whilst these do not assess the proposal in terms of para 80e advise that in their opinion the proposals would have some impact on local landscape and visual amenity, but the proposed house, associated buildings and curtilage (which appear to reflect local vernacular of nearby historic houses) are likely to be able to be accommodated within the local and wider landscape without significant impact on the character of the AONB. Whilst it is stated that that the AONB team consider the impact is not significant, no formal landscape assessment has been undertaken to reach this conclusion.
- 9.6 In addition, the proposed site is currently intensively managed, improved grassland for silage. The proposed wider landscaping could be beneficial in terms of landscape character with more trees/woodland along the river corridor.
- 9.7 However, as the proposal is considered unacceptable in principle these improvements are not considered to outweigh the fundamental visual and character harm caused by the construction of a new dwelling in open countryside and the changes to the character of the immediate area and historic patterns of development. The character of the AONB comes from the relationships between people and land and so whilst the site is currently a field it reflects historic land uses in this area and whilst the building would be in a vernacular style found in

other areas of the AONB the character of the landscape would be irreversibly changed by the construction of the residential property of this overall scale and magnitude of change to the immediate landscape setting.

**Impacts Upon Heritage Assets:**

- 10.1 The site lies to the South of the Grade II listed Higher Hodder Bridge with the entrance directly adjacent to it. The duty at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says: *“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 10.2 Higher Hodder Bridge is a graceful structure which is isolated and provides a focus to views in this part of the valley. The submission states that the house is not visible from the bridge and this is not disputed but the entrance to the field is currently via a simple metal gate at the same height as the stone boundary wall. Grand entrance gates proposed directly adjacent to the bridge in its immediate setting would draw the focus away from it. It is not agreed that this would enhance the setting of the bridge as stated within the submission and it is considered that it would cause harm
- 10.3 The house itself would be located further away from the listed bridge but the changes to the landscape here will still have an impact in terms of confusing the significance of historical land uses and the historic hierarchy of country estates and lower rural workers properties. The enhancements proposed include tree planting/landscape design on land which has remained as pasture/meadow for at least a century and a half as evidenced of the 1847 Ordnance Survey Maps.
- 10.4 The design is a restrained neo-classical and it is suggested that the scheme borrows from nearby historic large houses – however, it has no panache, distinction or invention. It is considered that, borrowing in detail and form from historic precedents diminishes their historic importance and uniqueness.

10.5 In this respect it is considered that the proposal would constitute harm to the wider setting of the nearby listed historic houses, the immediate setting of the bridge and the cultural heritage of the AONB. The enhancements proposed would attempt to mitigate this harm caused by the introduction of a dwelling here, but it is not considered that it would sustain or enhance the significance of heritage assets or make a positive contribution to local character and distinctiveness as set out at para 197 of the NPPF. Nor would the proposed enhancements required by the construction of the dwelling which is harm in itself represent a public benefit as set out at para 202 of the NPPF.

10.6 The proposal is also considered contrary to Key Statement EN5 which requires development proposals *“to make a positive contribution to local distinctiveness/sense of place.”* and Policy DME4 which states that *“in considering development proposals the council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings”*

**Other Matters:**

11.1 The inspector will respectfully note that in support of the appeal the appellant has submitted a Flood Risk Assessment (UNDA November 2022). The submitted assessment clarifies that the site to which the application relates lies wholly within Flood Zone 1, albeit that the authority notes that areas within the ‘blue edge’ on the submitted Location Plan ‘2490/Revision B’ (western and southern extents) lie within Flood Zones 2 and 3.

11.2 However, in light of the findings of the Risk Assessment the authority no longer wishes to maintain refusal reason 6, which for the avoidance of doubt reads as follows:

*The site partially lies within Flood Zones 2 and 3 as defined on the Environment Agency maps. No flood risk assessment has been included with the submission and therefore the impact of the proposal in terms of flood risk cannot be assessed. The proposal does not accord with Core Strategy Policy DME6 or the requirements at paragraph 167 of the National Planning Policy Framework and National Planning Practice Guidance.*

**Concluding Statement:**

12.1 The proposed dwelling fails to meet the tests of ‘isolation’ for the purposes of paragraph 80(e) insofar that the immediate presence of surrounding built-form, the character of the area and the spatial relationships between existing built-form in the area are reflective of an informal

settlement. As such the proposed dwelling would not be considered as being truly 'isolated'. Particularly insofar that the site and immediate area is characterised as follows:

- The site lies in an area of open countryside to the South of Higher Hodder Bridge 3 miles west of the centre of Clitheroe.
- The area is accessed via a well-used C classified road
- The site is within the settled area and a very well used road is only a short walk from the site.
- The density and pattern of development within the immediate area is common of rural communities
- By car it is approximately a 5-minute journey to the edge of the principal settlement of Clitheroe and there is a limited bus service which takes approximately 10 minutes and stops adjacent to the end of the secondary access point.
- The main vehicular entrance to the site is directly adjacent to Hodder Bridge and opposite the former Hodder Hotel now converted to 8 dwellings. These dwellings are approx. 100 metres to the site entrance.
- The secondary entrance to the site passes 3 dwellings, linking to a public footpath skirting the site, the nearest being approx. 60 metres to the site boundary.
- There are a few other dwellings in the vicinity in small clusters; 500 metres to the East is Withgill farm which has former outbuildings now converted; including the farmhouse there are 20 dwellings here.
- On the opposite side of the river within 250 metres of the site are another 6 dwellings the nearest being approx. 80 metres away and visible from the site.

12.2 The proposal fails to meet the exception criteria of Paragraph 80(e) of the National Planning Policy Framework insofar that the proposal does not reflect truly outstanding design that reflects the highest standards in architecture, nor would it help to raise standards of design more generally in rural areas, failing to be sensitive to the defining characteristics of the local area.

12.3 As a result of the above points, the proposal does not meet the 'exception tests' of paragraph 80 of the National Planning Policy Framework. As such, the policies within the Ribble Valley Core Strategy remain fully engaged for the purposes of assessing the proposal. In this respect approval of the proposal would lead to the creation of a new residential dwelling outside of defined settlement limits, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need, contrary to the requirements of Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy

12.4 The proposed would result in harm to and undermine the wider setting of the nearby listed historic houses, the immediate setting of Higher Hodder Bridge (Grade II Listed) and the cultural heritage of the AONB, and in the absence of public benefits to outweigh such harm the



proposal is considered to be in direct conflict with to the Paragraph(s) 197 and 202 of the National Planning Policy Framework and Key Statements EN2 and EN5 and Policy DME4 of the Ribble Valley Core Strategy.

12.5 For the reasons outlined above, whilst having regard to all material matters raised, that the Inspector is respectfully requested to dismiss the appeal/. Particularly insofar that approval would result in the creation of a new dwelling, that would be in significant direct conflict with the inherent locational and spatial aspirations for new residential development within the borough, as enshrined within policies of the adopted development plan, also resulting in significant visual harm to the inherent character and visual amenities of the designated forest of Bowland AONB and that of the wider and immediate area.