



The Stables, Chaigley Road, Longridge, PR3 3TQ

Stage 1 Permission in Principle: Application for up to 6 no. dwellings

PLANNING STATEMENT

January 2021



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/1 INTRODUCTION

- 1.1. PWA Planning is retained by Mr. Andrew Billington ('the Applicant') to progress a Stage 1 Permission in Principle (PIP) application for the development of up to 6 no. dwellings ('proposed development') on land associated with The Stables, Chaigley Road, Longridge, PR3 3TQ.
- 1.2. The PIP application is made to Ribble Valley Borough Council (the Local Planning Authority) and relates to the red edge application site boundary defined by the submitted Location Plan.
- 1.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will look to demonstrate that the proposals accord with the provisions of the relevant policies of the Development Plan, and moreover that there are other significant material considerations which indicate that permission in principle ought to be granted.
- 1.4. This PIP application is being submitted following the dismissal of appeal ref. APP/T2350/W/19/3235162 on 19th February 2020 which included the site itself and land further to the north. This new application has been made on two reasons. Firstly, in a recent appeal decision under ref. APP/T2350/W/20/3253310 (see Appendix A) for residential development on the edge Clitheroe, the Inspector found the site to form part of the principal settlement of Clitheroe despite its countryside designation. The proposal was found to consolidate development in a manner closely related to the settlement. Within the appeal for the site subject of this application, consolidation was not discussed despite the site in question lying on the edge of settlement boundary of the principal settlement of Longridge. This is therefore a new material consideration, in the form of the appeal, which should be a key consideration in the determination of this PIP application. It is also important to note the land to the north of the site from the previous appeal has been removed from this PIP submission. This has been done

to alleviate the Inspector's previous concerns on the landscape impact of the proposals, with the development now representing a smaller scale scheme which seeks to consolidate development on the edge of Longridge.

1.5. This Planning Statement, alongside a review of the site history and relevant policies, provides a description of the proposed development together with an appraisal of the planning merits of the principles of development. The following documents have been submitted as part of this application:

- Completed Application Form;
- Location Plan;
- Planning Statement (this document).

/2 SITE DESCRIPTION

- 2.1. The application site is located to the north west of Higher Road, on the periphery of Longridge and currently comprises an area of land used for equestrian purposes including stable buildings, along with sand and grass paddocks.
- 2.2. A Location Plan showing the site within its immediate setting is submitted with this application, whilst an aerial image of the site within its wider setting is illustrated in Figure 1.



Figure 1: Aerial image showing the location of the site (not to scale)

- 2.3. The site adjoins the existing urban boundary of Longridge, with urban development to the south, whilst to the north there is more open land. The site is bounded to the east by Higher Road, with the Beacon Fell View Holiday Park beyond and to the south and west by John Smith's Playing Field with established residential dwellings beyond. The central parts of Longridge lie generally to the south west. Vehicular access is currently taken off Chaigley Road to the southern corner of the site.

- 2.4. Being located on the edge of Longridge means the development site has easy access to local amenities, including Berry Lane Doctors and Drakes Dentists located within 1 km of the site. Longridge Church of England Primary School and Longridge High School are both located within 2 km of the site. Local supermarkets are located less than 2 km from the site (Co-op and Booths) both located on Berry Lane, and a convenience store is located 0.4 km from site on Higher Road. As this site is located on the B5269, the site has access to transport amenities, with the nearest bus stop located on Higher Road, 0.2 km from the site which provides a regular service to Preston.
- 2.5. There are no ecological or landscape designations associated with the site. The site is located wholly within Flood Zone 1, where the risk of flooding is at its lowest. There are also no active Tree Preservation Orders associated with the site. With regards to heritage designations, there are no heritage assets within the site, with the nearest heritage asset the Grade II listed 'Tunnel portal in the John Smith Playing Field' which lies to the southern boundary of the site.

/3 PLANNING HISTORY

3.1. The site and its immediate surroundings have been subject to a planning history search on Ribble Valley Council's planning register. The application site has been subject to several applications for residential development as part of a larger site which includes land to the north east. These applications are listed below:

3/2018/0507 *Outline application for up to 10 self-build dwellings with all matters reserved save for access.* Refused 14th March 2019.

3/2017/1100 *Outline application for up to 15 self-build dwellings (30% affordable self-build) including access.* Refused 25th May 2018.

3/2016/0604 *Outline application for a two storey dwelling including access.* Refused 23rd August 2016.

3.2. In relation to the site, a planning appeal was lodged against the refusal of application 3/2018/0507 under appeal ref. APP/T2350/W/19/3235162. The appeal was dismissed on 19th February 2019. The inspector found the self-build scheme proposed across the wider site would lead to significant encroachment into the countryside and be separated from the established built form of the settlement of Longridge. The inspector noted the scheme would be highly visible from Higher Road when entering and leaving Longridge which would harm the character and appearance of the area. Other concerns raised included whether the proposals provided for an identified housing need through self-build dwellings and concerns over the extent of the scheme delivering regeneration benefits.

3.3. This PIP application seeks to overcome the concerns raised by the Inspector, with a smaller development proposed for up to 6 no. dwellings to the west of the site abutting the settlement boundary of Longridge. This part of the site makes a minimal contribution to its countryside designation with residential dwellings the southern boundary, open space to the west and a caravan park to the east. The proposals would

round off development on the edge of Longridge, protecting the character and appearance of the more open areas of open countryside the north. This part of the site is also less visible from Higher Road, being bordered by mature trees and includes some existing built form associated with the stables on site. Its development would therefore have minimal impact on the open countryside, with further detail provided in the Planning Policy Assessment chapter.

Other Relevant Planning History

- 3.4. Pertinent to this application is the findings of recent appeal ref. APP/T2350/W/20/3253310, which relates to the erection of 39 no. dwellings on land at junction of Chatburn Road and Pimlico Road, on the edge of Clitheroe. The appeal was allowed on 11th August 2020 and is included in full at Appendix A.

- 3.5. In short, the Inspector found that although the development was located beyond the Clitheroe's settlement boundary in a countryside designation, it was well related to the settlement in terms of built form, and its physical and visual appearance. It was seen to be very much a part of Clitheroe and deemed to consolidate development in a manner closely related to the main built-up area of Clitheroe. The development was therefore viewed as consolidation of development in terms set out in Policy DMG2 and the Core Strategy Glossary. This matter is considered directly relevant to the PIP application presented here and is discussed in further detail in later chapters.

/4 PERMISSION IN PRINCIPLE

- 4.1. The PIP consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.
- 4.2. The relevant legislation and guidance on this route is taken from the following:
- Town and Country Planning (Permission in Principle) (Amendment) Order 2017; and
 - National Planning Policy Guidance – Permission in Principle
- 4.3. The former came into force on the 1st June 2018, whilst the latter was most recently updated in the same month. As such it is considered, whilst a relatively recent application route, up to date guidance is readily available with regard to such proposals. This section of the statement seeks to summarise the relevant provisions of the above to enable the authority to better understand the proposals.

Process

- 4.4. The permission in principle consent route has 2 stages:
- Stage 1: establishes whether a site is suitable in-principle;
 - Stage 2: ('technical details consent') is when the detailed development proposals are assessed. This is much like a reserved matters application.
- 4.5. The process for Stage 1 varies depending on the scale of the proposed development and whether it relates to Greenfield land or land classed as previously developed. For minor forms of development i.e. less than ten units, an application must be submitted to the local planning authority; this applies whether the site is greenfield or previously developed.

- 4.6. For major development on previously developed land, the site must be entered to the local planning authority's brownfield land register; which in turn grants a PIP. It is not possible to gain a PIP consent for major development on a Greenfield site.

Requirements for a Valid Permission

- 4.7. The requirements for a valid PIP are laid out in Article 5D of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.
- 4.8. In order to meet the requirements of a valid PIP application the following information must be provided:
- Completed application form
 - A plan to which identifies the land to which the application relates
 - The correct application fee (discussed below)
- 4.9. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be dealt with at the technical details consent stage of the application. Local authorities cannot list the information they require for applications for PIP in the same way they can for applications for planning permission.
- 4.10. Once a valid application for PIP has been received, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit of 5 weeks unless a longer period has been agreed in writing with the applicant.

Planning Considerations

- 4.11. Proposals are determined in accordance with the Development Plan and NPPF. Although the scope of the local planning authority assessment of the first stage is limited to location, land use and amount of development.
- 4.12. The NPPG details that statutory requirements like those related to both listed buildings or protected species are only applicable to Stage 2 Technical Consent applications (Paragraph: 003 Reference ID: 58-003-20190615). As stated above, local authorities cannot list the information they require for applications for PIP in the same way they can for applications for planning permission. Equally it is not necessary to provide a suite of technical reports at Stage 1, like you would for a full or outline application.

Implementation Period

- 4.13. Where Stage 1 permission is granted via an application, an applicant would have a further 3 years to apply for the Stage 2 Technical Details. The default duration of the permission is 3 years. The local authority cannot add further conditions to the grant of permission under Stage 1.
- 4.14. Where PIP is granted through allocation on a brownfield land register, the default duration of that permission is 5 years.

Determination Time Limits

- 4.15. The statutory time limit for a local authority to determine a Stage 1 application is 5 weeks. The statutory time limits for Stage 2 technical details is also 5 weeks (or 10 weeks for major development on previously developed land). The consultation process for applications is like that of a normal planning application.

Summary

4.16. The PIP application is a relatively new route to planning permission and as such examples of such applications are not plentiful. However, from the examples reviewed there does seem to be some confusions as to what matters can be considered.

4.17. In this context it is clear that whilst such applications are to be determined in accordance with the Development Plan, policies related to technical matters do not represent valid considerations for the purposes of a Stage 1 application. In the context of this application it is therefore prudent to note that policies relating to the following matters which could preclude the granting of a standard planning application should not be considered as part of this submission:

- Ecology;
- Transport;
- Heritage.

4.18. These matters will however be considered as part of any future Stage 2 application.

/5 PROPOSED DEVELOPMENT

5.1. It is proposed to develop land associated with The Stables, Chaigley Road, Longridge, PR3 3TQ to provide up to 6 no. dwellings. As noted, the application is submitted as a Stage 1 PIP application and the description of development as stated within the application form is as follows:

"Stage 1 Permission in Principle planning application for the erection of up to 6 no. dwellings"

5.2. As the application is submitted as a PIP application, the proposed development is not supported by a proposed site plan or an associated elevation/floorplan drawing. However, the application boundary is clearly of a size which would permit for the construction of 6 dwellings which has the potential to respect the vernacular and enhance the local sense of character. Therefore, any future Stage 2 technical application will seek to ensure the design of the properties will fit well in the rural setting and nearby properties, as will the choice of materials. In addition, any final scheme will also seek to ensure that the amenities of existing and future residents will not be compromised by the proposals.

/6 PLANNING POLICY CONTEXT

6.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that:

"Where in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Development Plan

6.2. In this instance, the statutory Development Plan for the application site comprises of the Ribble Valley Borough Core Strategy 2008-2028 (Adopted 2014). Key policy documents that comprise 'material considerations' include to the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and any local supplementary planning guidance documents considered relevant to the proposal.

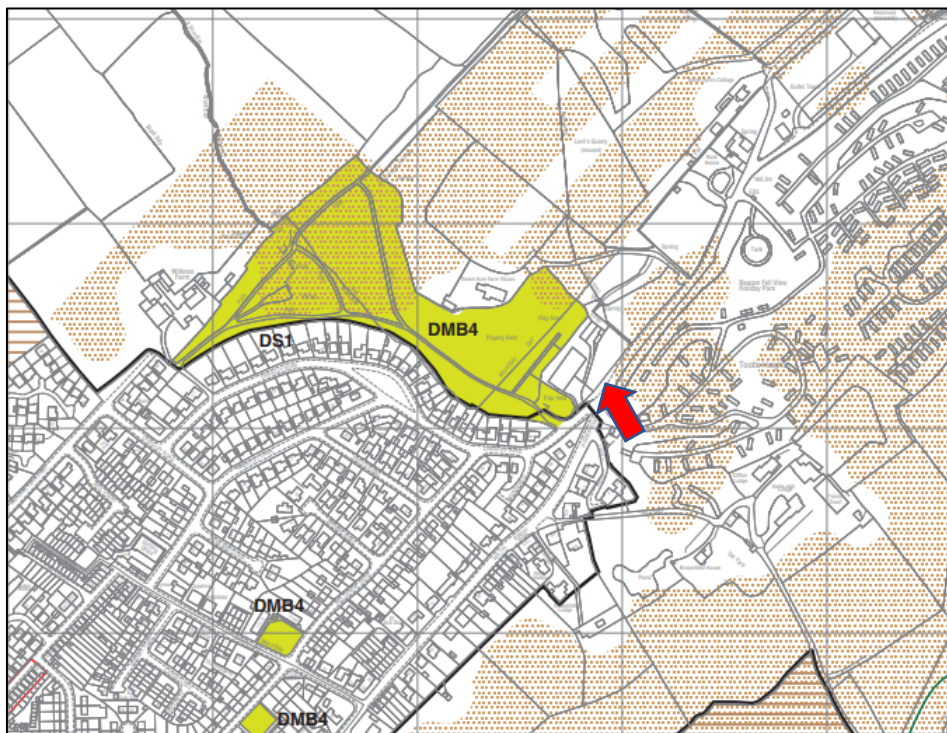


Figure 2: Extract from the Housing and Economic Development DPD Proposals Map

- 6.3. According to the Housing and Economic Development DPD Proposals Map the site is designated within the Open Countryside covered by Policy EN2. The site is bordered to the south by the settlement boundary of Longridge and to the west by existing Open Space.

Ribble Valley Borough Council Core Strategy 2008 – 2028

- 6.4. The Ribble Valley Borough Council Core Strategy 2008 – 2028 was adopted in December 2014 and therefore can broadly be regarded as containing relevant and up to date policies in the consideration of this application. It sets out priorities for future planning and development of the borough and is used when determining planning applications. The following policies are considered relevant for a PIP application:

- Key Statement DS1: Development Strategy;
- Key Statement DS2: Sustainable Development;
- Key Statement EN2: Landscape;
- Key Statement H1: Housing Provision;
- Key Statement H2: Housing Balance;
- Key Statement DMG1: General Considerations;
- Key Statement DMG2: Strategic Considerations;
- Key Statement DME2: Landscape and Town Protection;
- Key Statement DMH3: Dwellings in the Open Countryside & The AONB.

- 6.5. **Key Statement DS1:** Development Strategy, seeks to outline the locations in which growth will be focused. The policy states the following in relation to the main residential housing locations:

"The majority of new housing development will be:

- *concentrated within an identified strategic site located to the south of Clitheroe towards the A59; and*
- *the principal settlements of:*

- *Clitheroe;*
- *Longridge; and*
- *Whalley.”*

6.6. The policy also states that in general terms, housing growth will be managed to reflect the existing population size and the extent to which the development can be accommodated within the local area.

6.6 **Key Statement DS2:** Sustainable Development looks to mirror Paragraph 11 of the NPPF which details the sustainable development principle that seeks to guide both authorities and developers. The Statement details that:

"When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and where relevant, policies in the neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise."

6.7. **Key Statement EN2:** Landscape, mainly focuses on protection of the Forest of Bowland AONB through ensuring development contributes to the conservation of the area by enhancing and protecting the landscape and character. The statement does offer more general coverage by linking the policy to the protection of all landscapes outlining that the Council expects all development to be in-keeping with the character of the local landscape.

6.8. In the Council's justification for the policy they state that:

"The Council will also seek to ensure that the open countryside is protected from inappropriate development. Developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness, landscape character, the quality of the built fabric, historic patterns and landscape tranquillity."

6.9. **Key Statement H1:** focuses on housing provision; it states that the requirement for new homes will be delivered in line with the Council's Strategic Housing Land Availability Assessment. Further to this it states the Council will adopt a 'plan-monitor-manage' approach to ensure a rolling five-year land supply is achieved and maintained.

6.10. **Key Statement H2:** Housing Balance, follows on from the above policy to outline that planning permission will be granted when the proposal is in line with local demand as evidenced in the Strategic Housing Market Assessment (SHMA).

6.8. **Key Statement DMG1:** General Considerations assists in ensuring that development proposals are in line with numerous broad criteria by providing a series of overarching considerations regarding the quality of developments. The policy categorises the criteria under 6 headings which are as follows:

- Design;
- Access;
- Amenity;
- Environment;
- Infrastructure;
- Other.

6.9. **Key Statement DMG2:** outlines further strategic considerations. The policy assists in the interpretation of the Development Strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. Part 1 relates to principal settlements of which Longridge is one, stating:

"Development proposals in the principal settlements of Clitheroe, Longridge, and Whalley and the Tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement."

6.10. Policy DMG2 also states the following in relation to development in the open countryside:

"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 by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build."

6.11. **Key Statement DME2:** Landscape and Town Protection states development proposals which significantly harm important landscape, or their features will be refused.

6.12. **Key Statement DMH3:** Dwellings in the open countryside outlines that residential development within the open countryside will be limited to certain forms of development, including to meet an identified local need, appropriate conversion of existing buildings or the replacement of existing dwellings.

Material Considerations

National Planning Policy Framework 2019

6.14. The NPPF sets out the Government's planning policies for England and how these should be applied. The Framework sets out the Government's presumption in favour of sustainable development (Paragraph 11) whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted.

6.15. Sustainable development is broadly defined in Paragraph 8 of the Framework as having three overarching objectives; economic, social and environmental.

6.16. Paragraph 38 directly refers to PIP applications stating:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area."

6.17. Section 5 details the need to continually deliver a sufficient supply of homes. The section details guidance on affordable homes, small and medium development sites and rural housing amongst other matters. This section of the NPPF represents the most up to date guidance on matters related to housing supply calculations.

6.18. Paragraph 63 makes clear that affordable housing will not be sought for minor developments, as is the case in this instance.

6.19. Paragraph 68 details that 10% of new homes should come from sites which are no larger than one hectare in size, whilst Paragraph 84 within the following section (Building a strong, competitive economy) states:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport."

6.20. Section 6 of the Framework is concerned with building a strong, competitive economy, with specific guidance in relation to supporting a prosperous rural economy.

Town and Country Planning (Permission in Principle) (Amendment) Order 2017

6.21. The relevant provisions of the Order are summarised in section 4 of this statement.

National Planning Policy Guidance

6.22. The relevant provisions of the NPPG are summarised in section 4 of this statement.

Housing and Economic Development – Development Plan Document (HED DPD) (2019)

6.23. The document sets out the key housing and economic issues including housing and economic land allocations, town centre policies and settlement boundaries. Alongside the Core Strategy the plan completes the Development plan and will guide development in the borough until 2028.

/7 PLANNING POLICY ASSESSMENT

Principle of Development

- 7.1. Although the site is designated within the Open Countryside where Policy DH3 is relevant, the site benefits from close ties with the settlement of Longridge, with the settlement boundary abutting the southern boundary of the application site. Longridge is designated as principal settlement in Key Statement DS1, where the majority of housing growth is to be focused within the borough. Given the application site's proximity to the settlement, it is deemed to form a logical point for residential development, negating the need for housing development in smaller settlements and more isolated rural locations. Despite lying just beyond the settlement boundary, the site lies in a sustainable location in relation to Longridge, being within walking distance of a range of local services and public transport network. The site's contribution to its Open Countryside designation is further limited by the current built form on site, with a stable building and paddock occupying much of the site.
- 7.2. Further support is offered by Key Statement DMG2 which states in principal settlements development proposals should consolidate, expand or round-off development so that it is closely related to the main built-up areas. Although located beyond the settlement boundary, dwellings adjoin the site's southern boundary along Chaigley Road which lie within the settlement of Longridge. The site is therefore well related to Longridge given its proximity to the settlement boundary and these properties, with the proposals representing a minor development which continue the existing grain of built form. The site adjoins an established urban park (occupying a former quarry and tip site) and also Higher Road. Beyond Higher Road to the east is a large leisure park which extend for approximately 1km north of the existing settlement and partly within the AONB. The site's context therefore further links the site to the settlement and reduces its contribution to its countryside designation. The development of the site is thus deemed to represent a logical rounding off of development in this area of Longridge, with the site being well related to the settlement in terms of built form, whilst also being nestled between an existing area of open space to the west and Higher Road to the east.

7.3. In the context of the above it is also pertinent to have regard for the findings of a recent appeal ref. APP/T2350/W/20/3253310 (included in full at Appendix A), which relates to the erection of 39 no. dwellings on land at junction of Chatburn Road and Pimlico Road, on the edge of Clitheroe. The appeal was allowed on 11th August 2020 and related to residential development adjoining the settlement boundary as proposed in this application, whilst also relating to the principle settlement of Clitheroe, which Longridge is also defined as. The below paragraphs from the appeal are deemed directly relevant to the proposal at hand:

'11. Although located beyond Clitheroe's settlement boundary, the appeal site is well related to it in terms of built form, and its physical and visual relationships. The appeal site is therefore seen very much as a part of Clitheroe and the pattern of development along Chatburn Road. CS policy DMG2 seeks to support the CS's development strategy as set out in Key Statement DS1. To this end, it states that development proposals in principal settlements such as Clitheroe should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring that it is appropriate to the scale of, and in keeping with, the existing settlement.

12. In understanding these terms, I concur with the appellant's assessment that it is also necessary to be mindful of the CS's glossary definitions and interpretation of these terms. The site is clearly not within the defined settlement boundary for Clitheroe. However, having regard to the nature and context of the land immediately around it, particularly the adjacent and adjoining residential development and prevailing pattern of development and built form along Chatburn Road, it is not unreasonable to conclude that the proposed residential development of the appeal site would consolidate development in a manner closely related to the main built up area of Clitheroe.

13. The CS Glossary definition of consolidation refers to new developments adjoining the main built up area of a settlement. The proposal would do this. The Glossary does not distinguish between consolidation within or beyond a settlement, just that it adjoins the main built up area. The prevailing pattern of development along Chatburn Road is

not one of isolated or sporadic development, even if the glossary definition also includes these, where appropriate, within the definition of consolidation.

14. Rather, development is largely continuous, with depth of development from the Chatburn Road frontage, on both sides of the road along its length from the town centre to the appeal site. I accept that the housing with which the appeal site is contiguous was, at the time of my visit to the site, under construction and the site adjoining that is an allocation in the HED DPD. However, this does not alter my assessment that the appeal site can be sufficiently seen as a consolidation in the terms set out in CS policy DMG2 and the CS Glossary, confers support from the first part of CS policy DMG2.'

7.4. From the above, it is clear the Inspector deems the site to form part of the principal settlement despite its open countryside designation. The application site here should be interpreted in the same way, with the site's connection to the settlement boundary and the built form of the principal settlement of Longridge meaning it functions very much as part of the settlement. The small-scale development proposed is deemed to consolidate development to the north east side of Longridge, creating a clearly defined rounding off of the settlement between the existing open space to the west and Higher Road to east. The proposals should therefore be viewed as in accordance with the rounding off of a principal settlement as defined in Policy DMG2 and supporting the aims of Key Statement DS1, in that the proposals support the delivery of housing in the principle settlement of Longridge.

7.5. Considering the NPPF in the round, it is important to note that Paragraph 7 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. At Paragraph 8 it states that: "*Achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*".

7.6. The first objective is with regards to the economy, where the planning system should help to build a strong, responsive and competitive economy, by ensuring that sufficient

land of the right type is available in the right places at the right time to support growth, innovation and improved productivity. The second objective is a social objective where by the planning system should help to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Finally, an environmental objective, whereby the planning system should contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, mitigating and adapting to climate change and minimising waste and pollution.

- 7.7. The proposals would see the development of a parcel of land which benefits from close ties to the principal settlement of Longridge. The scheme would deliver up to 6 no. dwellings, of which the scale and appearance will be saved for a future Stage 2 technical details submission. Given the nature of the scheme as a minor development, it is considered more than likely that before and during construction, the development would contribute to the local economy directly through the employment of local companies to facilitate the build. This would include planners and architects/designers as part of the Stage 2 application process, local contractors involved in the physical build and the local supply chain through the provision of materials. Once occupied, new residents of the proposals would use and support the growth of local services. It is considered that the proposed development would therefore assist in achieving the economic aims of sustainable development.
- 7.8. The application is not accompanied at this stage by the technical assessments which would allow for adherence to the environmental aims of sustainable development to be demonstrated. It should be again reiterated that such matters are not relevant to the application at hand.

- 7.9. The location of the site is considered sustainable in the context of the NPPF given it lies in close proximity to the settlement of Longridge where a wide range of services are available. Transport links to the larger settlements via the public transport network are available within close proximity to the site, including a regular bus service to Preston.
- 7.10. The Framework also clarifies support for small to medium sized sites in Paragraph 68, detailing that 10% of a Council's housing requirement should be delivered on sites no larger than 1 hectare. PWA Planning are not aware of any statement made by the Council which suggests they are in a position to meet this requirement. As such it stands to reason that 10% of the annualised requirement, will need to come forward as windfall sites that the Council are yet to account for. Consequently, the application at hand can be considered to make a valuable contribution in aiding the Council to meet this requirement.
- 7.11. Given the above, it is considered that the proposed development would constitute sustainable development in the context of the NPPF and Policy DS2 of the Core Strategy. Furthermore, the above analysis would also suggest the proposals can be viewed positively in the context of the adopted Development Plan.

Design and Technical Considerations

- 7.12. Further to the information detailed in Section 4 of this statement it is again important to reiterate that design and technical matters are not appropriate/relevant considerations to the application at hand. The nature of PIP applications infers that development could be permissible at Stage 1 but subsequently fail to gain Stage 2 consent. Whilst this is correct, concerns regarding technical matters such as heritage or ecology should not form part of the determination of this application. It is only when the Council have the technical information provided as part of a Stage 2 application that an informed position on such matters can be reached.

The Planning Balance

- 7.13. This section of the Planning Statement has succinctly detailed how the proposed development can be adjudged as acceptable in the context of the Development Plan and the Framework. With regard to development within the countryside the proposal can be considered positively in that the application site represents a development plot with close ties to the principal settlement of Longridge. Equally the proposal will support development within the wider area and represent an acceptable scale of development for the site.
- 7.14. Whilst a conflict with the Development Plan has been identified by virtue to the location of the site in the countryside, the site's location adjacent to the settlement boundary of Longridge means it forms a logical extension and rounding off of the settlement between an existing area of open space and Higher Road. The findings of appeal decision APP/T2350/W/20/3253310 are deemed directly relevant to the proposals, with the site being considered to round off development of the principal settlement of Longridge in a comparative manner to the appeal site.
- 7.15. The removal of the land to the north of the site which was included in the previous appeal helps to address the Inspector's concerns regarding the negative landscape character impacts of the scheme. The application site is now more closely related to Longridge given its direct connection to the settlement boundary, with the more open land to the north left untouched by development. The proposal is also deemed to constitute a scheme far preferable to sporadic development in more rural areas or smaller settlements. The site is in walking distance of local public transport links and the range of services available in Longridge and should be viewed as a sustainable location for residential development.
- 7.16. This Stage 1 PIP application asks the Council to consider the submission in the context of location, land use and amount of development and in relation to all three variables, the proposals are considered acceptable in principle.

/8 CONCLUSION

- 8.1. PWA Planning is retained by Mr. Andrew Billington to progress a PIP application for up to 6 no. dwellings on land associated with The Stables, Chaigley Road, Longridge, PR3 3TQ.
- 8.2. The site is located adjacent to the settlement boundary of Longridge. Although the site is currently designated as countryside where development is not generally focused, the site is located in a sustainable location for development and forms a logical rounding off of development for the principal settlement. The proposals relate closely to Longridge, with the more open countryside areas to the north of the site from the previous scheme removed from the development proposals. The proposed development is considered to constitute sustainable development and the limited harm as a result of the scheme is not considered to demonstrably outweigh the benefits of the scheme which include significant social and economic benefits.
- 8.3. At this first stage of PIP development, it is only the relevant location plan and application form that are submitted alongside this application. Other relevant technical considerations are not applicable at this stage, with this information to be submitted at the technical consideration stage of the application.
- 8.4. The works would result in a number of key benefits which are deemed relevant to the determination of the application, namely: -
- Delivery of up to 6 no. much needed new homes, assisting the Authority in meeting its objectively assessed needs;
 - Support for existing businesses and suppliers in the area during construction, contributing to the local economy;
 - A small yet valuable contribution to meeting housing need within Longridge and wider borough.

8.5. For the reasons identified within this Statement, it is considered that PIP for the proposed development should be granted, and the application is commended to the authority.

Appendix A – Appeal Decision APP/T2350/W/20/3253310



Appeal Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/T2350/W/20/3253310

Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe

Easting: 375365 Northing: 443101

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Wilkinson (Oakmere Homes (NW) Ltd) against Ribble Valley Borough Council.
 - The application Ref 3/2019/0877, is dated 18 September 2019.
 - The development proposed is erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 39 dwellings with landscaping and associated works, and access from adjacent development site at Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe in accordance with the terms of the application, Ref 3/2019/0877, dated 18 September 2019, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. This appeal is against the Council's failure to determine the application for planning permission within the prescribed period. The Council have subsequently resolved, had they determined the application, that they would have refused planning permission for the proposal. A single putative reason for refusal has been set out which, for the avoidance of duplication, is set out in full at paragraph 1.2 of the Council's Statement of Case. I have framed the main issue below accordingly.
3. The appellant has submitted a signed and dated Unilateral Undertaking (UU) prepared under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU sets out the appellant's undertaking in relation to affordable housing provision, accommodation for over-55's and the procedures for occupancy eligibility and nomination procedures. It also sets out provisions and amounts for off-site leisure, primary and secondary education and NHS contributions, albeit that the Council have subsequently confirmed that they no longer wish to pursue the matter of NHS contributions. I return to these matters below.

Application for costs

4. An application for costs was made by Oakmere Homes (NW) Ltd against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposed development would be in a suitable location for residential development, having regard to local and national planning policies.

Reasons

6. The Council's overarching development strategy is set out at Key Statement DS1 of the Core Strategy (CS), stating that the majority of the borough's new housing will be concentrated within, amongst other areas, the principal settlements, of which Clitheroe is one. Beyond the principal settlements, other settlements are identified as tier 1 and tier 2 villages and settlements, with open countryside lying outwith those designations. The Council's '*Housing and Economic Development – Development Plan Document*' (HED DPD) goes on to set out specific housing allocations.
7. Both parties refer, with reference to other appeals within the borough¹², to CS policy DMG2 as having a part 1 and (an unnumbered) part 2 (with 6 criteria). I have already dealt with part 1, whilst part 2 deals with development within tier 2 villages and outside the defined settlement areas. Thus, in these areas development proposals must meet one of the 6 criteria set out by policy DMG2. CS policy DMH3 also considers dwellings in the open countryside, which it is agreed is land beyond the defined settlement areas, where residential development must meet certain criteria. Both identify local needs housing to meet an identified need as one of the factors which will attract policy support.
8. Whether or not the second part of CS policy DMG2 should apply in addition to the first part in this instance, the provisions of CS policy DMH3 applies in all cases in the open countryside. It is agreed that the appeal site lies beyond Clitheroe's defined settlement boundary and thus, also by definition, is within the open countryside. CS policy DMH3 therefore applies, regardless of whether the second part of policy DMG2 is engaged in addition to the first part of that policy.
9. There is no dispute that the appeal site lies beyond the settlement boundary for Clitheroe. That settlement boundary does, however, mark the site's southwestern boundary where it abuts both it and a residential development site currently under construction. The settlement boundary, which is located on the opposite side of Chatburn Road and within which lies a recent residential and Clitheroe Community hospital, also runs parallel to the appeal site's Chatburn Road boundary.
10. There are areas of designated existing open space along Chatburn Road on both sides of the road, but they are relatively limited and seen in the context of otherwise continuous residential development along Chatburn Road between the town centre to the southwest and Pimlico Link Road to the north. The

¹ APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816

² APP/T2350/W/20/3248156; APP/T2350/W/17/3186969; APP/T2350/W/17/3174924; APP/T2350/W/17/3185445; APP/T2350/W/19/3235162 and APP/T2350/W/18/3202044

appeal site itself is bounded on one side by, and indeed would be accessed from, a newly built residential development and lies opposite existing development and newly built housing on another.

11. Although located beyond Clitheroe's settlement boundary, the appeal site is well related to it in terms of built form, and its physical and visual relationships. The appeal site is therefore seen very much as a part of Clitheroe and the pattern of development along Chatburn Road. CS policy DMG2 seeks to support the CS's development strategy as set out in Key Statement DS1. To this end, it states that development proposals in principal settlements such as Clitheroe should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring that it is appropriate to the scale of, and in keeping with, the existing settlement.
12. In understanding these terms, I concur with the appellant's assessment that it is also necessary to be mindful of the CS's glossary definitions and interpretation of these terms. The site is clearly not within the defined settlement boundary for Clitheroe. However, having regard to the nature and context of the land immediately around it, particularly the adjacent and adjoining residential development and prevailing pattern of development and built form along Chatburn Road, it is not unreasonable to conclude that the proposed residential development of the appeal site would consolidate development in a manner closely related to the main built up area of Clitheroe.
13. The CS Glossary definition of consolidation refers to new developments adjoining the main built up area of a settlement. The proposal would do this. The Glossary does not distinguish between consolidation within or beyond a settlement, just that it adjoins the main built up area. The prevailing pattern of development along Chatburn Road is not one of isolated or sporadic development, even if the glossary definition also includes these, where appropriate, within the definition of consolidation.
14. Rather, development is largely continuous, with depth of development from the Chatburn Road frontage, on both sides of the road along its length from the town centre to the appeal site. I accept that the housing with which the appeal site is contiguous was, at the time of my visit to the site, under construction and the site adjoining that is an allocation in the HED DPD. However, this does not alter my assessment that the appeal site can be sufficiently seen as a consolidation in the terms set out in CS policy DMG2 and the CS Glossary, confers support from the first part of CS policy DMG2.
15. The proposal would provide affordable housing in a mix of sizes and tenures, to which there is no objection from the Council as there is a borough-wide need for affordable housing. This is not, however, the same as housing to meet an identified local need and no case is otherwise made that the proposal would provide local needs housing in the manner sought by CS policy DMH3. Although the borough-wide need for affordable housing is noted by the Council, the presence within the development of balance of the housing as market housing is considered sufficient to outweigh the undoubted benefits of affordable housing. I agree that the proposal would fail to accord with CS policy DMH3 as a consequence in resulting in residential development beyond a defined settlement boundary, and thus in the open countryside, without an identified local need justification.

16. There is no dispute between the parties that the relevant policies in the determination of this application are up to date and can be afforded full weight. Thus, both the proposal's failure to provide housing to meet a local need on the one hand, and it being a form of consolidation on the other, are central to the planning balance to be exercised in this instance. The Council refer to a number of appeal cases² which support their contention that both parts of CS policy DMG2 are engaged. However, these largely pre-date the more recent examples¹ cited by the appellant which demonstrates the Council's alternative approach. However, as CS policy DMH3 provides a back-stop to the Council's position regarding criteria against which proposals in the open countryside be judged, the application (or not) of the second part of CS policy DMG2 is not crucial in this instance. However, the absence of evidence to demonstrate that the proposal would specifically meet an identified local need means that the proposal is contrary to CS policy DMH3, albeit that the proposal would also satisfy the general principle of consolidation established by CS policy DMG2, and therefore be an appropriate location in principle for residential development.

Other Matters

17. There are no objections to the proposal from the Council in terms of the site's layout and relationship with existing housing, or in terms of its internal layout and the relationship of proposed houses to each other. I have not been presented with any further evidence that would lead me to a different conclusion with regard to living conditions of occupiers of existing properties, or those of future occupiers of the proposed dwellings and do not therefore disagree with the conclusion reached by the Council.
18. Nor are matters of design, siting or character and appearance areas of dispute between the main parties. The site is constrained visually, physically and contextually by natural and man-made features and barriers and as such the development of the appeal site would not be out of keeping with the context, built form and development pattern of the immediately surrounding area. Nor would it cause harm to the character or appearance of the site's wider surroundings and thus concur with the Council's assessment that there would be no harm to character or appearance as a consequence. Subject to appropriately worded conditions I am satisfied that the proposed development would make adequate provision for, and avoid harm in terms of, highway and pedestrian safety, and landscape and ecological provision.
19. The signed, dated and completed UU makes provision for a range of matters including affordable housing provision, accommodation for over-55's and the procedures for occupancy eligibility and nomination procedures, in addition to provisions and amounts for off-site leisure, primary and secondary education and NHS contributions. The tests in relation to the use of planning obligations and UUs are set out at paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended) (the Regulations) which should meet all of the tests set out therein.
20. The Council have confirmed that they do not wish to pursue the NHS contribution element of the UU, whilst in respect of the education contribution (primary and secondary), Lancashire County Council³ have revised down their calculation of the education contribution from that previously advised at the

³ Local Education Authority

application stage. The UU meets⁴ the required education contribution and UU's provisions are in line with the requirements and provisions previously set out by the Council in the officer report and consultation responses. The provisions of the UU would be in accordance with the provisions of CS Key Statement DMI1 and I find no conflict with the Framework or the Regulations in this respect. I have therefore taken the UU, with the exception of its provisions regarding NHS contributions and the excess balance of the education contribution, into account in reaching my decision and I am satisfied that the UU's construction provides sufficient flexibility for such an approach.

Planning balance

21. The proposed development would be located outwith the defined settlement boundary for Clitheroe and thus within the open countryside, as defined by the CS. There is no evidence before me to demonstrate that the proposal would meet an identified local need and the proposal would be contrary to CS policy DMH3. However, the proposal would amount to a form of consolidation provided for and supported by the first part of CS policy DMG2(1). The site is thus well-related to the main built up area and built form of Clitheroe, directly adjoining and adjacent to new and recent residential development where built residential form is more or less continuous from the appeal site to the town centre.
22. Although a reasonable length walk from the town centre's services and facilities, I am satisfied that the broadly level, continuous and well-lit pavements and footways along the wide Chatburn Road corridor would provide a usable and practical alternative to the private car in accessing facilities. I am satisfied that future occupiers would therefore have a choice of means of transport available to them to access those services and facilities, including by bicycle and on foot.
23. The proposal would provide a not insignificant boost to housing supply. The Council's 5+ year housing land supply position is not challenged by the appellant, whilst the Council also consider that they have 'sufficient consents' for residential development. However, a 5-year housing land supply is not a ceiling or a maxima, particularly so in light of the Framework's commitment to significantly boost the supply of homes. That the proposal would boost the supply of homes in a logical location well-related to existing, on-going and recently built residential development in an accessible and sustainable location directly adjacent to the defined settlement boundary in a manner that would consolidate development in a manner provided for by CS policy DMG2(1) weighs significantly and positively in support of the proposal. Moreover, within a borough-wide context where there is a need for affordable housing, whilst the proposal does not satisfy the development plan definition of local needs housing, the delivery of 12 affordable homes would nevertheless go some way to meeting a locally identified need for such affordable homes.
24. There is no suggestion that Clitheroe is otherwise unable to accommodate the 39 dwellings proposed in this instance. Whilst there is no evidence to support the provision of local needs housing as a justification for the proposal, it would contribute towards meeting a borough-wide affordable housing need and would boost the supply of homes within the borough. I give the provisions of both CS policy DMG2 and DMH3 full weight but, having considered the positive aspects

⁴ And exceeds

of the proposal and other benefits arising from it in the planning balance I conclude that the proposal's open countryside location and absence of an identified local need in this instance is outweighed by other material considerations as outlined above.

25. In reaching these conclusions, I am mindful of a number of appeal decisions which have been cited by both parties in seeking to support their respective positions. However, from the commentary provided by both parties in respect of the limited information regarding those proposals, it is clear to me that they do not provide directly comparable circumstances and context to the proposal before me. Moreover, not only do the cases referred to me by the Council in support of the Council's revised position largely pre-date those cited by the appellant, they also demonstrate that other factors come into play, in particularly the relationship of the site to the defined settlement and main built up area, the form and character of the proposal and the character and appearance of the surrounding area. For all of these reasons, I conclude that other development plan policies and material considerations warrant allowing the appeal contrary to the provisions of CS policy DMH3.

Conditions

26. I have considered the Council's list of suggested conditions in light of the Framework and Planning Practice Guidance and, where necessary in the interests of precision and accuracy, have made minor alterations and revisions. I am satisfied that in doing so neither party would be disadvantaged. Where specific condition numbers are referred to these relate to the Council's numbering of suggested conditions.
27. I agree that time limit and plans conditions are necessary and reasonable in order to provide certainty. In addition to the plans condition, further conditions regarding implementation and maintenance of the landscaping proposals, and tree protection during the construction phase are also reasonable and necessary in the interests of character and appearance and the satisfactory appearance of the development upon completion.
28. In order to ensure the satisfactory connection of the hereby approved development into the existing local highway network, conditions regarding details the estate road and cycle link and carriageways are necessary in the interests of highway and pedestrian safety. A condition regarding suitable provision for electric vehicle charging at all properties is reasonable and in the interests of encouraging alternative means of travel, and alternative means of powering vehicles.
29. Additionally, I agree that a Construction Method Statement be imposed to ensure appropriate management of the construction site in the interests of highway and pedestrian safety and the living conditions of occupiers of properties located along the access to the site. To this end, I see no reason why the provisions of suggested condition 12 cannot be included within an expanded condition 5 and I have therefore amended condition 5 and deleted condition 12 accordingly. I have also omitted suggested condition 8 as it has not been demonstrated that it would pass the test of necessity.
30. Finally, there are two conditions regarding surface water drainage measures which in part both duplicate and contradict each other. There is no need for

both conditions, and I accept the appellant's reasoning for the deletion of suggested condition 13.

Conclusion

31. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - 067-SL-01 Location plan
 - 19-B295 Topographical survey
 - 067-P-01 Proposed housing layout
 - 067-P-05 Proposed affordable housing layout
 - 067-P-06 Proposed housing layout with levels
 - c-981-30_A Proposed landscaping scheme (1 of 2)
 - c-981-31_A Proposed landscaping scheme (2 of 2)
 - 067-BOW-P01 Bowfell house type floor plans
 - 067-BOW-P02 Bowfell house type elevations
 - 067-BOW-SPL-P01 Bowfell (split level) house type floor plans
 - 067-BOW-SPL-P02 Bowfell (split level) house type elevations
 - 067-CAL-P01 Caldew and Rothay (linked) house type floor plans
 - 067-CAL-P02 Caldew and Rothay (linked) house type elevations
 - 067-ENN-AG-P01 Ennerdale (attached garage) house type floor plans
 - 067-ENN-AG-P02 Ennerdale (attached garage) house type elevations
 - 067-GRA-P01 Grasmere house type floor plans
 - 067-GRA-P02 Grasmere house type elevations
 - 067-GRIZ-P01 Grizedale (bungalow) house type floor plans
 - 067-GRIZ-P02 Grizedale (bungalow) house type elevations
 - 067-HON-P01 Honister house type floor plans
 - 067-HON-P02 Honister house type elevations
 - 067-KIRK-P01 Kirkstone house type floor plans
 - 067-KIRK-P02 Kirkstone house type elevations
 - 067-LOW-P01 Lowther house type floor plans
 - 067-LOW-P02 Lowther house type elevations
 - 067-ROTH-P01 Rothay house type floor plans
 - 067-ROTH-P02 Rothay house type elevations
 - 067-THIRL-P01 Thirlmere house type floor plans
 - 067-THIRL-P02 Thirlmere house type elevations
 - 067-THIRL-SPL-P01 Thirlmere (split level) house type floor plans
 - 067-THIRL-SPL-P02 Thirlmere (split level) house type elevations
 - 067-WAS-SPL-P01 Wasdale (split level) house type floor plans
 - 067-WAS-SPL-P02 Wasdale (split level) house type elevations
 - 067-P-04 Proposed street scenes and sections
 - 067-P-03 Proposed external materials layout
 - 067-P-02 Proposed fencing layout
 - SD-FT-02 Proposed timber plot divide fencing details
 - SD-FT-08 Proposed timber feather-edge fencing details
 - SD-SW-03 Proposed stone wall with timber infill panel details
 - 19619-100_0 General arrangement (highways)
 - 19619-101_0 Contour layout (highways)
 - 19619-720_0 Long sections (highways)
 - 19619-730_0 Standard details (highways)

- 19619-500_0 Drainage layout
- 19619-510_0 Drainage long sections
- 19619-530_0 Drainage details

- 3) The landscaping proposals hereby approved shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

- 4) During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted information shall provide precise details of:

- A. The siting and location of parking for vehicles of site operatives and visitors;
- B. The siting and location for the loading and unloading of plant and materials;
- C. The siting and locations of all site cabins;
- D. The siting and location of storage of plant and materials used in constructing the development;
- E. The management of surface water and pollution prevention measures during each construction phase;
- F. The siting and locations of security hoarding;
- G. The siting location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development);
- H. The timings/frequencies of mechanical sweeping of the adjacent roads/highway;
- I. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
- J. The highway routes of plant and material deliveries to and from the site;
- K. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
- L. Days and hours of operation for all construction works; and
- M. Contact details for the site manager(s).

The approved statement shall be adhered to throughout the construction period of the development hereby approved.

- 6) No residential unit hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed

carriageways, footways, footpaths, landscaped areas and bin storage areas not put forward for adoption within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first residential unit on the site, the areas shall be maintained in accordance with the approved management and maintenance details.

- 7) The new estate road and shared pedestrian / cycle link between the site and Chatburn Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- 8) All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.
- 9) The existing gated field access opposite the hospital access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to any development commencing on site.
- 10) No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - A. A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
 - B. A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1-in-1 year, 1-in-30 year and 1-in-100 year return period; plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the development does not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity;
 - C. A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
 - D. Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space;
 - E. A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
 - F. Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
 - G. Final details of how the surface water drainage network will be managed and maintained over the lifetime of the development.

The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

****end of schedule****



Costs Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

**Costs application in relation to Appeal Ref: APP/T2350/W/20/3253310
land at Chatburn Road and Pimlico Link Road, Clitheroe
Easting: 375365 Northing: 443101**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Oakmere Homes (NW) Ltd for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
-

Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Applications for an award of costs may be made on procedural or substantive grounds. The Guidance is clear in setting out the circumstances in which a Council could be vulnerable to an award of costs against it. This application for an award of costs is made on substantive grounds.
4. The Guidance cites examples of substantive grounds on which a Council could be vulnerable to costs against it. These include if a Council prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, failed to produce evidence to substantiate each reason for refusal on appeal and not determining similar cases in a consistent manner.
5. The Council's approach to Core Strategy (CS) policy DMG2 in the current instance is clearly at odds with that previously conceded and agreed by the Council in respect of this policy in two recent appeals¹. It was not unreasonable for the appellant to expect that the Council should approach the current appeal proposal in the manner that they had agreed to in these appeals, particularly given their relative and respective timings. The examples

¹ APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816

subsequently cited by the Council² largely, but not completely, pre-date those two appeals and so do not provide compelling justification for adopting a different approach in the current instance

6. Where one of the cited appeal decisions postdates the approach adopted by the Council at Henthorn Road and Chatburn Old Road and adopts a revised position, it is also clear to me that there are other differentiating factors between the two. As such and from the evidence, I have concluded that it does not provide a directly comparable set of circumstances and should not therefore be relied upon to justify an alternative stance to that previously adopted by the Council on more than one occasion.
7. However, the Council were not incorrect in considering the proposal as development in an open countryside location. CS policy DMH3 applies similar provisions as CS policy DMG2 in respect of meeting locally identified housing need and so this matter would always need to be considered, even if the Council's approach to CS policy DMG2 itself contradicts the approach they had previously agreed to and adopted at appeal elsewhere within the borough.
8. Setting aside the provisions of CS policy DMG2, I am satisfied that the Council did not act unreasonably in reaching the conclusion that they did in respect of CS policy DMH3. However, my conclusions on the planning merits of the proposal as set out elsewhere differ from those reached by the Council. I conclude that, on the planning balance, material considerations including the provision of affordable housing and the site's close physical, visual and contextual relationship with the main built area of Clitheroe outweigh the absence of an identified local need to justify housing in the open countryside, as required by CS policy DMH3. My reading of CS policy DMG2 provides further support to my conclusions in these respects.
9. The Council have drawn on other appeal decisions which both pre- and post-date the examples referred to by the appellant, but neither do so on the evidence in sufficiently and comparably direct terms to justify a significant departure from the previously accepted approach to this particular CS policy. Furthermore, the example that post-dates those cases was only introduced at a late state in the appeal process and was not therefore capable of being cited as part of the appeal proposal's initial assessment by the Council.
10. Thus, although I disagree with the Council on the planning balance, the Council's approach to CS policy DMG2 has been contradictory, for which insufficient evidence has been submitted to justify that approach. As such, the Council has provided insufficient evidence to explain why similar cases have not been determined in a consistent manner. This amounts to unreasonable behaviour which has resulted in the appellant incurring unnecessary expense in the preparation of a case regarding CS policy DMG2. The award of costs therefore is a partial one in the terms set out.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay to Oakmere Homes (NW) Ltd the costs

² APP/T2350/W/20/3248156; APP/T2350/W/17/3186969; APP/T2350/W/17/3174924; APP/T2350/W/17/3185445; APP/T2350/W/19/3235162 and APP/T2350/W/18/3202044

of the appeal proceedings described in the heading of this decision, limited to those costs incurred in making the appeal in respect of that element of the Council's refusal reason that relates to Core Strategy policy DMG2; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to Ribble Valley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graeme Robbie

INSPECTOR



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