

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/21/3277956
LPA Application Reference:	3/2021/0287
NGR:	SD 363282 432088

**APPEAL BY DR & DR NICHOLAS & TERESA ROBERTS
AGAINST THE REFUSAL BY RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT PERMISSION IN PRINCIPLE
FOR A PROPOSED NEW DWELLING AT
THE OLD BARN BOWFIELDS LANE BALDERSTONE
BB2 7LW**

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

1. INTRODUCTION

1.1 This written statement is submitted by Ribble Valley Borough Council in respect of the appeal lodged against the Council's decision to refuse full planning permission for the erection of a new dwelling at The Old Barn, Bowfields Lane, Balderstone.

1.2 The planning application was refused under delegated powers on 20 April 2021 for the following reasons: -

1. *The proposal is contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of a new dwelling in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*
2. *The proposal would lead to the perpetuation of an unsustainable pattern of development, without sufficient or adequate justification, that does not benefit from adequate walkable access to public transport links, local services or facilities, placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policy DMG3 of the adopted Core Strategy and Section 9 of National Planning Policy Framework, Promoting sustainable transport.*

2. APPEAL SITE AND SURROUNDING CONTEXT

2.1 The appeal site forms part of the existing private garden associated with The Old Barn, Bowfields Lane, Balderstone. The site is located in the open countryside. The Old Barn is one of a cluster of buildings comprising the original farmhouse of Balderstone Grange Farm and converted ancillary buildings around a central yard.

2.2 The appeal site comprises a lawn bounded by mature trees and shrubs. Beyond the site to the south and east is agricultural land. Access to the existing property is via a short driveway off Bowfields Lane.

3. THE PROPOSED DEVELOPMENT

- 3.1 Permission in Principle was sought for the erection of a new dwelling within the garden boundary of The Old Barn, Bowfields Lane, Balderstone.
- 3.2 The permission in principle (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. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 3.3 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 considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.

4. RELEVANT PLANNING POLICY & GUIDANCE

- 4.1 The planning policy context for the appeal site is set out at a local level by the Ribble Valley Core Strategy (adopted 16th December 2014) and Housing and Economic Development DPD. 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 (NPPF) is a material planning consideration.
- 4.2 The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies. The evidence will explain why it is considered that the proposals do not comply with those policies identified in the reason for refusal which are set out below.

Ribble Valley Core Strategy

Key Statement DS1 (Development Strategy)

- 4.3.1 Key Statement DS1 sets out the Borough's housing strategy. The majority of new housing development will be concentrated within the strategic site at Standen and the Borough's principal settlements of Clitheroe, Whalley and Longridge. In addition, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements. In general, the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.

Policy DMG2 (Strategic Considerations)

- 4.3.2 Policy DMG2 assists the interpretation of the Development Strategy (Key Statement DS1) and underpins the settlement hierarchy for the purposes of delivering sustainable development. The first part of Policy DMG2, referred to as DMG2(1), requires development proposals in the Principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 villages to 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.
- 4.3.3 The second part of Policy DMG2, referred to as DMG2(2), relates to development within the Tier 2 villages, and outside the defined settlement areas, and requires development to meet at least one of the following considerations:
1. Should be essential to the local economy or social wellbeing of the area.
 2. Should be needed for purposes of forestry or agriculture.
 3. Should be for local needs housing meeting an identified need and would be secured as such.
 4. Development for small-scale tourism or recreation purposes that are appropriate to a rural area.
 5. Small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
 6. The development is compatible with the Enterprise Zone designation.

- 4.3.4 Policy DMG2(2) would apply to the development proposals as the appeal site is located outside the defined settlement areas. In addition to meeting one of the above considerations, Policy DMG2 also requires that within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area.

Policy DMH3 (Dwellings in the Open Countryside and AONB)

- 4.3.5 The protection of the open countryside and designated landscape areas from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching Core Strategy vision. Policy DMH3 seeks to manage residential development in the open countryside and AONB. Residential development in these areas is restricted to: 1) development essential for the purposes of agriculture or residential development which meets an identified local need; 2) the appropriate conversion of buildings to dwellings; and 3) the rebuilding or replacement of existing dwellings. The proposed development does not seek to convert buildings to dwellings nor does it seek to rebuild or replace existing dwellings. The appeal proposals would therefore need to comply with Policy DMH3 criterion 1) by meeting an identified local need.

Key Statement DMI2 (Transport Considerations)

- 4.3.6 Key Statement DMI2 requires new development to be located to minimise the need to travel and incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by private car.

Policy DMG3 (Transport and Mobility)

- 4.3.7 Policy DMG3 attaches considerable weight to locational sustainability including proposals which promote development with existing developed areas or extensions to them which are highly accessible by means other than the private car.

National Planning Policy Framework (NPPF)

- 4.3.8 The NPPF provides the most up to date national planning policy context and is a material consideration in planning decisions.

5. CASE FOR THE LOCAL PLANNING AUTHORITY

5.1 Having regard to the latest published housing land supply position the Council can demonstrate a housing land supply of 14.2 years using the Standard Methodology (5-year Supply Statement, published May 2021). The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.

5.2 Key Statement DS1 states that:-

‘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.’

5.3 In addition to the strategic site at Standen and the borough’s principal settlements, development will be focused towards Tier 1 Villages, which are the more sustainable of the 32 defined settlements.

5.4 The application site lies in an area defined as open countryside and is detached from principal settlements and Tier 1 Villages. The nearest Tier 1 Villages are Mellor and Mellor Brook which are located 3.4km and 2.3km away respectively and have a limited range of services and facilities. Core Strategy Policy DMG2 (Strategic Considerations) states that:-

5.5 Within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*

5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

6. The development is compatible with the enterprise zone designation.

5.6 As the application site lies outside a defined settlement area it must meet at least one of the considerations listed in Policy DMG2. Core Strategy Policy DMH3 relates specifically to dwellings in the open countryside and AONB. It reads:-

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.

3. The rebuilding or replacement of existing dwellings subject to the following criteria:

- the residential use of the property should not have been abandoned.*
- there being no adverse impact on the landscape in relation to the new dwelling.*
- the need to extend an existing curtilage.*

5.7 In order to satisfy policies DMG2 and DMH3 in principle residential development in the open countryside or AONB must meet an identified local housing need or one of the other criteria. The provision of one open market dwelling as proposed would fail to meet any of the criteria to satisfy the abovementioned policies.

5.8 Key Statement DMI2 requires new development to be located to minimise the need to travel, incorporating good access by foot and cycle and have convenient links to public transport to reduce the need for travel by private car. Policy DMG3 requires proposals to locate development in areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly.

- 5.9 Commons Lane is a narrow country lane without footways or lighting which would discourage any journey by future occupants on foot or by bicycle and there are limited to no public transport options. There are considered to be no day-to-day facilities that future occupants could reasonably be expected to reach without the use of a private motor vehicle.
- 5.10 With regards to the appellant's Planning Appeal Statement, it should be noted that the appeal decision referenced at paragraph 8 (ref. APP/2350/W/20/3253310) relates to development comprising 39 dwellings on the edge of the Principal settlement of Clitheroe. It shares no characteristics with the appeal proposal and as such is not a material planning consideration in this case. Nonetheless, the local planning authority has sought to challenge the decision in the High Court and is currently await the outcome.
- 5.11 The second appeal decision, noted in paragraph 9 of the appellants statement, also bears no similarities to this appeal case given it relates to the development of a previously development site directly adjoining the Tier 1 Settlement of Barrow. The Inspector identified conflict with Policies DMG2 and DMH3 of the Core Strategy but considered that other factors outweighed the degree of conflict with the development plan.
- 5.12 The appeal site in this case is significantly detached from Principal and Tier 1 Settlements. It would result in the construction of a new dwelling in the Open Countryside, the occupants of which would be reliant on private transport to meet their day-to-day needs.
- 5.13 Finally, in response to paragraph 12 of the appellants statement, the scope of permission in principle is limited to location, land use and amount of development. This includes consideration of the acceptability of the location and use in sustainability terms, including the availability of sustainable transport options, and whether the proposals would accord with the Council's development strategy which aims to deliver a sustainable pattern of development.

6. CONCLUSION

- 6.1 In summary, the proposals are contrary to Key Statements DS1 and DMI2 and policies DMG2, DMG3 and DMH3 of the Core Strategy. The appeal proposal would lead to the creation of a new dwelling in the open countryside without sufficient justification and would create a

harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF. It is considered that the appeal should be dismissed.