

HODDER GRANGE

**LAND AT HIGHER HODDER BRIDGE (FIELD TO SOUTH), CHIPPING ROAD,
CHAIGLEY, CLITHEROE, BB7 3LP**

LPA Application Ref: 3/2021/1008

Pins Refs: APP/T2350/W/22/3310867

**Proposed New House of Exceptional Quality (NPPF Paragraph 80e) of Passivhaus Plus
and Zero Energy design with associated landscaping and biodiversity enhancements.**

STATEMENT OF COMMON GROUND

Appeal site and surroundings

1. The appeal site consists of three fields to the south-east of Chipping Road / Higher Hodder Bridge.
2. Whilst only the field closest to the road / bridge is proposed to accommodate development, two other fields are proposed for landscape and biodiversity enhancements.
3. The three fields total 12.70ha in size.
4. The fields are currently intensively managed as improved grassland for silage.

Appeal proposal

5. The appellant seeks planning permission for a ‘Proposed New House of Exceptional Quality (NPPF Paragraph 80e) of Passivhaus Plus and Zero Energy design with associated landscaping and biodiversity enhancements.’

Pre-application Engagement

6. The Appellant undertook pre-application engagement with Ribble Valley Borough Council as the Local Planning Authority (LPA) (and with the Forest of Bowland AONB Management Team). Pre-application engagement with the LPA consisted of a meeting, a formal response letter and subsequent informal engagement with the then Head of Planning.
7. The formal pre-application response letter from the LPA was dated 17th June 2020.

Determination of Applications

8. The LPA received the application on 29th September 2021 and validated it with a date of 9th November 2021.

9. Additional information was submitted during the course of the application and considered by the LPA.
10. A meeting between the appellant and the project team and officers was held on 3rd February 2022.
11. The application was refused under delegated powers on the 12th May 2022.

Development plan and other material considerations

12. The relevant part of the development plan in relation to the appeal is the Ribble Valley Core Strategy 2008 – 2028 A Local Plan for Ribble Valley (Adopted December 2014).
13. Policies listed in the reasons for refusal¹ are DS1, DMG2, DMH3, EN2 EN5 and DME4.
14. The NPPF 2021 is a material consideration. Sections of key relevance are Sections 2 (‘Achieving Sustainable Development’), Section 5 (‘Delivering a sufficient supply of new homes’), Section 12 (‘Achieving Well-Designed Places’) Section 15 (‘Conserving and enhancing the natural environment’) and Section 16 (‘Conserving and enhancing the historic environment’).
15. Compliance with Paragraph 80e of the NPPF can outweigh any development plan policies on the location of housing. (LPA delegated report p.5 “(Furthermore, whilst) a house which meets the criteria of para 80 could be an exception to the spatial policies for the borough (it is also subject to the other material planning considerations).”
16. Other material considerations include:
 - (a) The consultation response of the Forest of Bowland AONB Management Team.

¹ Policies listed in all reasons for refusal with the exception of RoR 6 which is not now a matter for consideration at the Hearing.

(b) The design review of the proposals from the Traditional Architecture Group (TAG) which reviewed the proposals on 21st June 2021 following a site visit and with additional on-line assessments of progress on the 12th August, 12th October and 23rd November

(c) Biodiversity Net Gain

(d) New landscape planting

(e) The quality of the design and its sustainability credentials

Other agreed matters

17. There is no objection to the proposals from any technical consultee.
18. The test of whether the new dwelling is isolated is whether it is ‘remote or separate from a settlement’.
19. The designs for the house and landscape have emerged from a lengthy and detailed design process involving direct inputs and peer review from a number of specialists. This has included the Traditional Architecture Group (TAG) which has reviewed the proposals at two different stages. TAG is linked to the Royal Institute of British Architects and is a design review panel for the purposes of NPPF Paragraph 133, which advises that *‘local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.’*
20. The LPA’s delegated report (p.6) describes the proposed dwelling as ‘attractive and of high quality’.
21. The methodology of the submitted Landscape and Visual Impact Assessment is accepted.

22. There are no certified Passivhaus Plus houses in a traditional design style in the world².
23. There are no certified Passivhaus Plus houses in any design style in the North West region of England.
24. The high standards of energy efficiency in the proposed designs are ‘welcomed’ as confirmed in the LPA’s delegated report (p.5).
25. The appellants’ Biodiversity Net Gain calculations dated 05/10/2022 include:
 - A net gain of 11.65 biodiversity area units or 35.83%, and,
 - A net gain of 8.76 linear units (hedgerow) which is a 100% gain as the baseline is zero.
26. New landscaping included in the proposals includes: 1.4ha of new woodland planting; 1,120m of new hedgerow planting; and 1.2ha of new species-rich grassland margins.
27. The LPA does not wish to maintain reasons for refusals 5 and 6 relating to the absence of a highway visibility plan and flood risk on the basis of:
 - i_ the updated Flood Risk Assessment (November 2022) confirming the application site lies wholly within flood zone 1; and
 - ii the Local Highways Authority removing their objection as a result of updated plans being provided (Existing Visibility Splays plan and Landscape Masterplan Rev D).
28. It is accepted by both parties that a legal agreement is not required and that matters such as landscape management, biodiversity net gain and Passivhaus Plus compliance etc can be dealt with via planning conditions.

² <https://passivehouse-database.org>

Main Areas of Disagreement:

29. The main areas of disagreement are:
- a) Whether the site of the proposed new house is isolated;
 - b) Whether, if it was held that the site of the proposed new house is not isolated, an exceptional quality of design in a non-isolated location could justify an approval;
 - c) Whether the proposals would represent an exceptional quality design;
 - d) The findings of the submitted Landscape and Visual Impact Assessment, and the impact of the proposal on the landscape character of the area; and,
 - e) Whether the proposal would result in heritage benefits or heritage harm to the listed Hodder Bridge.

Signed: L. Hayes

Dated: 05/07/2023

For and on behalf of the local planning authority

Signed: J.Ellis

Dated: 05/07/2023

For and on behalf of the appellant