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**A D V I C E**

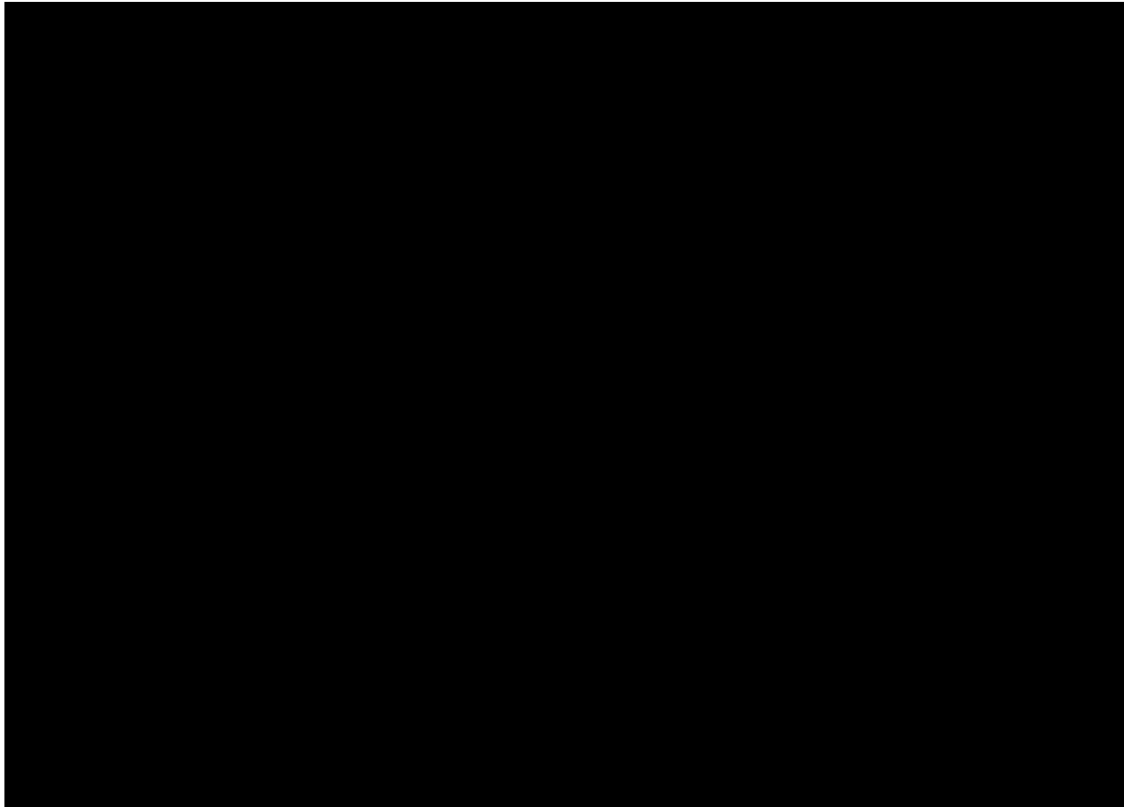
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1. [REDACTED] to review, from a legal and planning perspective, the above planning application. I have read the representations [REDACTED] their retained Planning Consultant, to the Local Planning Authority (“the LPA”) and I will seek to avoid repetition of points made in those documents.

**Background**

2. The proposal site is 12.8 ha. The Applicants, Mr and Mrs Bell, seek to construct a large Georgian-style house within the Forest of Bowland AONB. The landscaping proposals are extensive and involve circa 1.4 ha of woodland planting, 1,120 m of new hedgerow planting and 1.2 ha of new species rich grassland margins. A biodiversity net gain of 609.2% is claimed. Construction will use traditional country house building materials and Passivhaus Plus is to be achieved. Much is made in the application documents of the support of TAG. However, given that the group is committed to the support of traditional and classical architecture, their support is not surprising. It says very little about whether the proposal satisfies Paragraph 80(e) of the NPPF. Indeed TAG, as noted in the Randall Thorp assessment of the 1/3/2022 para 2.12 make the fundamental error of starting from an assumption that the site is suitable in principle to accommodate the development without ever asking whether this AONB site actually requires conservation or enhancement.

3.



4. Before turning to the merits, or otherwise, of the application, I have some preliminary procedural observations.
5. Firstly, the “red line plan” accompanying the application appears to be narrowly drawn and does not embrace all of the land proposed for development. PPG advice in this regard is clear:

**“What information should be included on a location plan?”**

A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. *It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility spays, landscaping, car parking and open areas around buildings).* A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.” (Emphasis supplied.)

If I have missed a correctly drawn location plan then I apologise, but if it is missing then the error requires remedy.

6. Secondly, I cannot find any plan showing the access points to the highway. Again, this is an important matter and requires remedying.
7. Thirdly, the site is close to a SSSI, yet I cannot see that any “shadow” Habitats Regulations assessment has been provided.
8. Fourthly, part of the site appears to fall within Flood Zone 2 in which case a site specific flood risk assessment should prima facie be provided in accordance with FN55 of the NPPF.
9. Fifthly, the ecological assessment was informed by only one site visit undertaken in winter. This is contrary to all good practice guidance and means that the report in key respects is of extremely limited utility particularly in respect of fauna.
10. Sixthly, the site falls within the setting of the Listed Hodder Bridge. It is established law that a clear visual interrelationship between a development proposal and a heritage asset tends to suggest that setting will be affected (see *R (on the application of Williams) v. Powys CC* [2017] EWCA Civ 427). Such an interrelationship exists here in absolute terms and it is well understood, for example, by users of the footpaths running through and adjacent to the site (see the Randall Thorp March 2022 Report at paras 2.1 and Section 3). It is difficult to see how there can be anything other than an adverse impact on setting which in NPPF terms must be classified as “less than substantial”. This harm must be accorded significant weight in the planning balance (see, for example, the well-known Barnwell Manor and Forge Field cases). This outcome engages Paragraph 202 of the NPPF and obliges the Applicants to demonstrate that such harm as occurs is outweighed by the public benefits of the proposal. The application does not engage with this test which, if failed, is almost certain to dictate a refusal. As will appear there is little, if any, public benefit, but rather significant public harm arising from the scheme.

### **Substantive Observations**

11. The starting point for assessing the proposal os Section 38(6) of the Planning and Compulsory Purchase Act 2004, namely that the proposal is to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
12. [REDACTED] has analysed a relevant suite of Development Plan policies in [REDACTED] objection submission to the LPA and I do not need to repeat it. For my own purposes, I wish only to note Core Strategy Policy EN2:

#### **“KEY STATEMENT EN2: LANDSCAPE**

**The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area.**

**The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and wherever possible enhanced.**

**As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.”**

In accordance with Paragraph 176 of the NPPS, “great weight” should be given to the protection of an AONB.

13. It is frankly all but impossible to conceive that the proposal conserves and enhances the AONB. The site is a high value landscape in good condition. Its sensitivity to change is high. The site has an open character and reads as a pleasant riverside field. The “intrinsic character and beauty” of the countryside generally is to be protected (see Paragraph 174 of the NPPF). That injunction applies with considerable force in an AONB. It cannot be said that the introduction of largescale built form together with manicured landscaping in any way “conserves” or “enhances” the landscape. Indeed, the LVIA itself concludes “moderate adverse” visual effects. In my view, that really is the end of the matter. The Applicants’ primary response to this appears to be twofold:

- (a) that largescale country houses are characteristic of the area. However, even if that were to be true it most certainly is not the case that faux Georgian properties are characteristic. Moreover, it is an observation that could be used to justify any number of new large traditional type dwellings in the AONB; and
  - (b) to point out that there are a number of examples where Paragraph 80(e) *ibid* houses have been found to be acceptable in AONB locations. That is of course true, but the simple fact of potential compatibility does not mean that this application in this location is acceptable by reference to its clear - and acknowledged - harm to the AONB.
14. The NPPF is an “other material consideration” that may outweigh, in principle, non-compliance with the Development Plan.
15. However, Paragraph 176 requires that development in AONBs should be “limited” in scale while Paragraph 177 *ibid* is clear that “major” developments shall be refused save in exceptional circumstances. FN60 is clear that what is “major” is a matter for the judgment of an LPA by reference to the “nature, scale and setting ..” of a proposal “and whether it could have a significant adverse impact on the purpose for which the area has been designated and defined.” In general terms, sites over 0.5 ha are defined as major. On any view, this is a major proposal given its scale and given the fact of admitted adverse visual impact, ie harm to the very thing the designation is made to protect. The only issue, therefore, is whether “exceptional circumstances” exist by reference to Paragraph 80(e) *ibid*?
16. In order to satisfy Paragraph 80(e) *ibid*, the following test has to be satisfied:
- “(e) the design is of exceptional quality, in that is:
    - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

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

17. In APP/F0144/W/18/3208289 Land South of Widdicombe Lodge, Inspector Papworth noted that to be “truly outstanding” “... there should be a ‘creative leap’ which differentiates homes and personal involvement above a merely mechanical and dispassionate process.” Ultimately conclusions upon this issue are subjective, but my own view is that in the present case the “creative leap” is not present - the proposal, despite the quality of design and the use of high quality materials, is a backward looking exercise in architecture. I am particularly mindful of the use of Passivhaus Plus, but as long ago as 2017 Inspector Young (APP/B1550/W/16/3159712 Land Opposite 1-10 Disraeli Road) said:

- “12. Putting that concern to one side, the addition of the adjective “truly” into the last bullet of paragraph 55 implies that the bar that has to be crossed is particularly high and that few projects are likely to succeed in meeting this criterion. The proposed houses would undoubtedly boast high quality design credentials and would be constructed to *Passivehaus* principles incorporating a variety of measures with regard to renewable energy and energy efficiency with the aim of securing a house which would meet the requirements of the former Level 6 of the Code for Sustainable Homes.
- 13. Whilst all this is to be applauded, the *Passivehaus* movement is well-established as a means of achieving the highest standards of environmental construction. Whilst such properties may not yet be commonplace, neither are they any longer rare and, in themselves, are no longer to be described as truly innovative.”

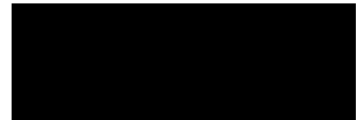
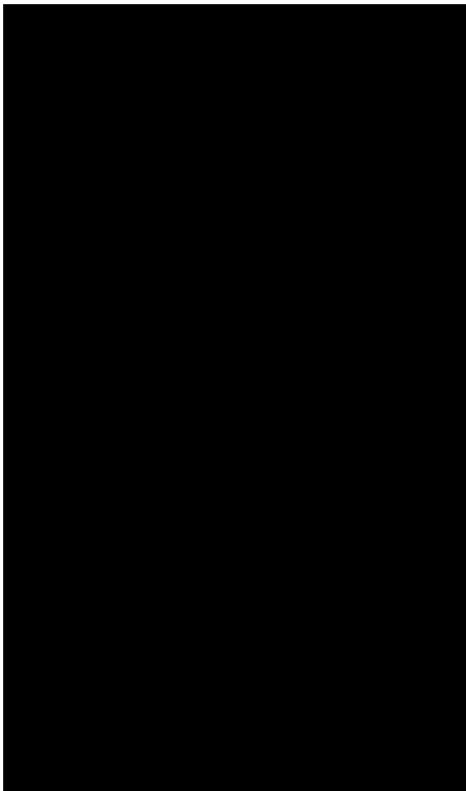
The simple fact is that net zero carbon developments are increasingly common. Moreover, and set against this, is the fact that the house will be isolated and car dependent. This would tend to detract from the plus side of the carbon budget.

18. In the context of design, I should also note that the biodiversity net gain claimed is not transparently evidenced. The work by Haycocks Jay (16<sup>th</sup> December 2021) shows that using the then DEFRA 3 (now NE3) metric, the gain is actually 33.17%. While this is

admirable, it is not so far beyond the Environment Act minimum requirement of 10% gain (effective from 2023) so as to make the proposal truly outstanding.

19. The final point to note is that the proposal cannot pass the test of significantly enhancing its immediate setting because the site and setting need no enhancement as I have already noted (a point noted by Inspector Papworth in the above case which also dictated refusal). I similarly note the claim for sensitivity to the defining characteristics of the area but as noted earlier, not least by reference to the pre-application response, that claim is highly questionable as grand country houses are few and far between in the Ribble Valley and when they do occur they are the product of their times rather than a self-conscious recreation of a historic style.

I so advise.



25<sup>th</sup> February 2022

**RE:**

**PLANNING APPLICATION REF:  
3/2021/1008: HODDER GRANGE**

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**ADVICE**

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