



Appeal Statement

For Mr Ronald Jackson | 23-364

Residential development -
Land to the south of Chatburn Old Road, Chatburn, BB7 4EP



Project:

Site Address:

Client:

Date:

Author:



This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence. No part of this document may be reproduced without the prior written approval of Emery Planning. Emery Planning Partnership Limited trading as Emery Planning.

Contents

1.	Introduction	2
2.	Site and area description	3
3.	Relevant planning history and context	4
4.	The appeal proposal	5
5.	Planning policy context	7
6.	Planning considerations	11
7.	Summary	27

Appendices

- EP1.** Statement from Resolve s106
- EP2.** Pre-application site plan and advice
- EP3.** Delegated report
- EP4.** Regina v Rochdale Metropolitan Borough
- EP5.** s.106 for 3/2014/0618
- EP6.** Committee report for 17-25 Whalley Road, Mellor Brook
- EP7.** Officer's report and application form for Oakhill College
- EP8.** Application form for Moorcock Inn
- EP9.** Decision notice for Sheepfold Crescent
- EP10.** Committee report for Primrose Works
- EP11.** Officer report for Petre Wood
- EP12.** Officers report for Dog and Partridge
- EP13.** Committee report for Crow Trees Farm
- EP14.** Site plan
- EP15.** Site Section 1903 53 Rev B

Copy of Permission in Principle application

Correspondence dated 27th June, 1st July and 9th July



1. Introduction

- 1.1 This appeal is made on behalf of Mr Ronald Jackson against the refusal of technical details consent (reference: 3/2022/0500) by Ribble Valley Borough Council for residential development of up to 9 dwellings following the grant of permission in principle (application reference: 3/2018/0582; appeal reference: APP/T2350/W/19/3223816) at land to the south of Chatburn Old Road, Chatburn.
- 1.2 This appeal statement should be read alongside the Technical Statement prepared by [REDACTED] of Resolve 106 which deals with affordable housing and viability attached at Appendix EP1.

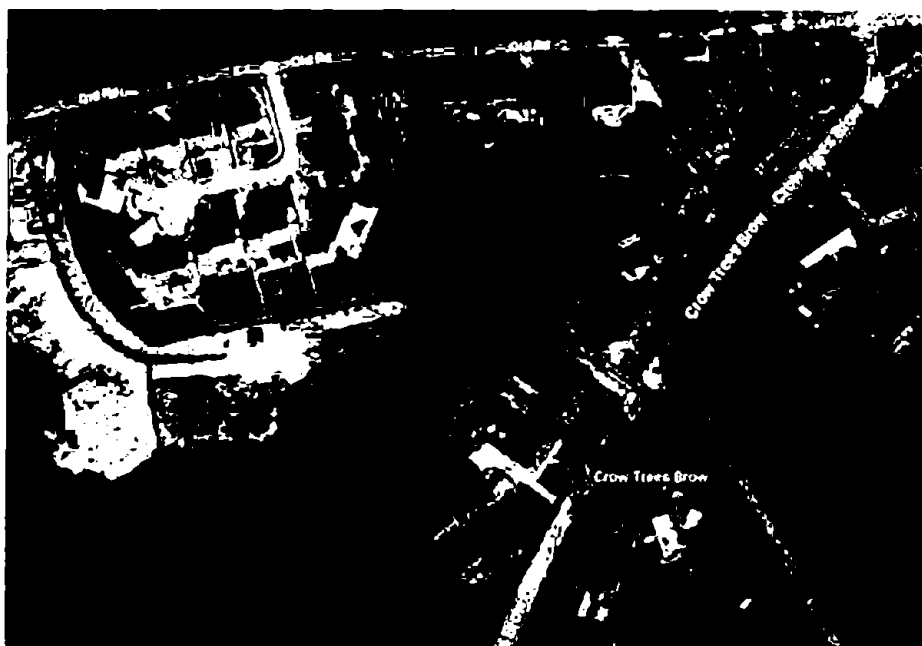
Propositions

- 1.3 The case for the Appellant will be addressed against the following propositions:
1. The proposal is acceptable in principle.
 2. The proposal is acceptable in terms of the provision of affordable housing.
 3. The proposal would provide a suitable mix of housing that reflects local needs within the borough.
 4. The proposal is acceptable in terms of overlooking.
 5. The proposal is acceptable in all other regards.



2. Site and area description

- 2.1 The appeal site is 0.99 ha in area. It is located to the south of Old Road, Chatburn and is greenfield. The site slopes steeply down in level towards the east and south with an approximate 12 metre fall across the site. The high point on the site is the top of the proposed access drive which is set at a datum of 122.10. The low point on site is the eastern corner which is at datum 110.68. The site is mainly grassland with bushes and trees along its boundaries.
- 2.2 The site is bounded to the north-west by a residential development of 10 dwellings approved by planning consent 3/2014/0618 (varied by planning consent 3/2016/0748). The homes on that site are now completed. This scheme is intended to complement the existing scheme.
- 2.3 The appeal site is located immediately adjacent to the settlement boundary of Chatburn. Chatburn is one of 9 “Tier 1 Villages” in the borough. Tier 1 villages are the most sustainable of 32 defined settlements in the borough. There is a post office and convenience store, village hall, 2 public houses, a library, butchers, hairdressers, florist and an ice-cream shop in Chatburn, which are all within walking distance of the appeal site. The nearest bus stops are located approximately 300m away, outside the post office, and are served by frequent bus services to and from Clitheroe, Skipton, Preston and other villages in the borough. The location of the site in relation to its surroundings is shown on the extract from Google Earth below:



3. Relevant planning history and context

Appeal site

- 3.1 Part of the appeal site formed part of a site to the north that was granted outline planning permission at appeal for 10 no. dwellings on 19th April 2013 (LPA ref: 3/2011/0025, PINS ref: APP/T2350/A/12/2176828). However, that permission was not implemented, Instead, a full planning application for 10 no. dwellings was approved on a site with a slightly different boundary, which excludes the appeal site on 11th June 2015, (LPA ref: 3/2014/0618). It is that permission (as amended by 3/2016/0748), which has been implemented.
- 3.2 An application for permission in principle (3/2018/0582) was refused on 7th September 2018 and allowed on appeal on 23 January 2020 (appeal reference: APP/T2350/W/19/3223816). It is this permission that this appeal application for technical details consent relates.
- 3.3 A copy of the permission in principle application documentation is enclosed with the appeal submission.

The adjoining site

- 3.4 There is a lengthy planning history for the adjacent site following the grant of outline planning permission for 10 dwellings at appeal in April 2013 (LPA ref: 3/2011/0025, PINS ref: APP/T2350/A/12/2176828).

Pre-application advice

- 3.5 The applicant engaged in pre-application discussions with the local planning authority. The formal pre-application response reference RV/2020/ENQ/00068). A copy of the proposed site plan reference 1903 PL20 subject to the pre-application submission and the advice received are attached at Appendix **EP2**. No issue was raised with either the mix of housing proposed or overlooking.



4. The appeal proposal

The application

- 4.1 On 18th May 2022, planning agent Stanton Andrews applied on behalf of Mr Ronald Jackson to Ribble Valley Borough Council (RVBC) for Technical Details Consent for residential development of 9 dwellings following the grant of Permission in Principle reference: 3/2018/0582 and appeal reference APP/T2350/W/19/3223816.
- 4.2 The submitted application documents are set out on the appeal documents list submitted with the appeal. The application was also accompanied by a Design and Access Statement prepared by Stanton Andrew Architects, an Ecological Survey and Assessment prepared by ERAP and an Arboricultural Constraints Appraisal prepared by Bowland Tree Consultants.
- 4.3 Statutory consultation responses were received from Lancashire County Council Public Rights of Way Team, Lancashire County Council Highways and United Utilities. These are summarised in the officer's delegated report attached at Appendix **EP3**. No objections were raised subject to conditions. A further 17 letters of representation were submitted. The comments related to highways congestion, impact upon residential amenities, loss of green space, land levels, impacts on the public right of way, increased flooding, loss of ecology and lack of housing need.
- 4.4 Revised drawings and additional information were submitted during the course of the application in response to requests for additional information from the local planning authority primarily in relation to sections for highways purposes and to show the relationship with surrounding properties. These documents and the timeline in which they were submitted are set out on the documents list enclosed with the appeal submission. The local planning authority did not raise any concerns with overlooking or the proposed housing types during the application process or indeed during the pre-application submission. The Appellant was unaware that this was an issue until the decision notice was received.
- 4.5 The application was refused under delegated powers on 16th June 2023 for the following reasons:
1. The proposal is considered to be in direct conflict of Key Statement H2 and H3 and Policy DMH1 of the Ribble Valley Core Strategy and Paragraph 64 of the National Planning Policy Framework by virtue of a failure to provide a policy compliant level of affordable housing provision (within a designated rural area as designated under Section 157 of the Housing Act 1985).
- Furthermore the proposal would fail to provide a suitable mix of housing that reflects local needs or result in the creation of a development with a well-integrated mix of homes of different types and tenures to support a range of household sizes, age-groups and



community groups that would achieve or encourage a balanced, inclusive or cohesive sense of community, contrary to the aims and provisions of Paragraphs 8(b) and 130 (f) of the National Planning Policy Framework.

Even if a viability justification was accepted, the significant harm caused by the development in failing to provide any affordable housing or encourage a balanced/inclusive community, would outweigh any benefits to development. Therefore the proposal is considered to form an unsustainable development contrary to the overarching objective(s) of the development plan and National Planning Policy Framework.

2. The proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the outlook of Plot 7 will result in significant elevated overlooking of the private garden area of number 26 Crow Trees Brow, being of significant detriment to the sense of privacy and residential amenities enjoyed by current/future occupiers or the affected dwelling.



5. Planning policy context

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

Development plan context

- 5.2 The development plan comprises:

- Ribble Valley Core Strategy 2008-28, adopted in December 2014
- Housing and Economic Development – Development Plan Document, adopted in October 2019. The Housing and Economic Development DPD includes the proposals map.

- 5.3 The following policies are referred to in the reason for refusal and are discussed in the following section of this statement:

- Key Statement H2: Housing Balance
Key Statement H3: Affordable Housing
- Policy DMH1: Affordable Housing Criteria
- Policy DMG1: General Considerations

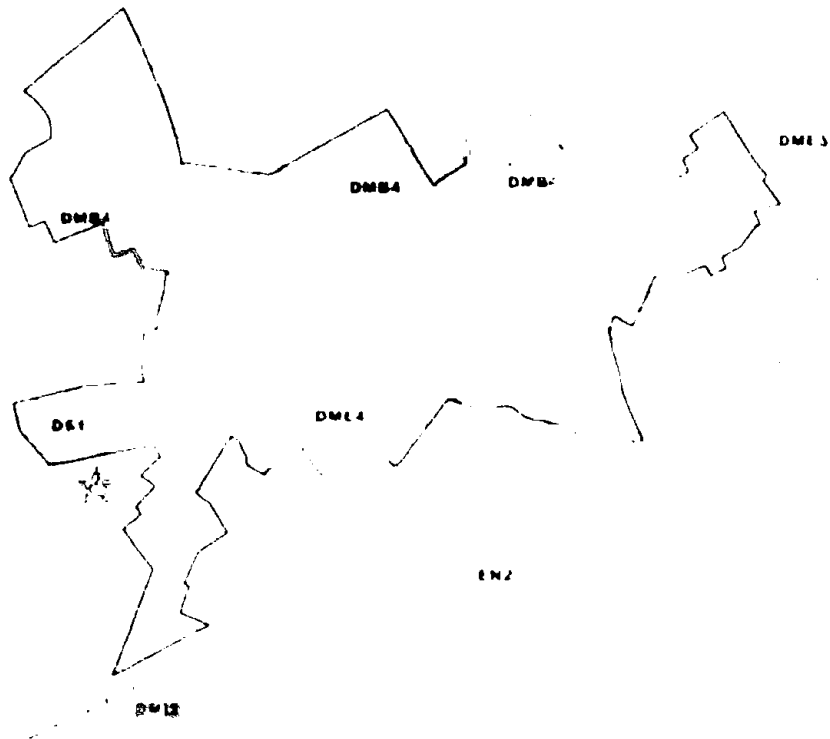
- 5.4 The other relevant policies of the Core Strategy are:

- Key Statement DS1: Development Strategy
- Key Statement DS2: Presumption in Favour of Sustainable Development
- Key Statement EN3: Sustainable Development and Climate Change
- Key Statement EN4: Biodiversity and Geodiversity
Key Statement H1: Housing Provision
- Key Statement DMI1: Planning Obligations
Key Statement DM12: Transport Considerations
Policy DMG2: Strategic considerations



- Policy DMG3: Transport and mobility
- Policy DME1: Protecting Trees and Woodland
- Policy DME2: Landscape and Townscape Protection
- Policy DME3: Site and Species Protection and Conservation
- Policy DME5: Renewable Energy
- Policy EME6: Water Management
- Policy DMH3: Dwellings in the Open Countryside and AONB
- Policy DMB4: Open Space Provision
- Policy DMB5: Footpaths and Bridleways

5.5 On the proposals map for the Housing and Economic Development DPD, the site is located outside of but adjoining the settlement boundary for Chatburn as shown on the extract below:



National planning policy and guidance

5.6 The relevant sections of the NPPF are discussed in the planning considerations section of this appeal statement below. However, the NPPF states that there is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

5.7 Paragraphs referred to on the decision notice are:

- Paragraph 6 – which confirms that affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas.
- Paragraph 8 (b) – which sets out the social objective of achieving sustainable development as 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 well-design, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
- Paragraph 130 (f) – this states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.8 The PPG was originally published on 6th March 2014 and has been updated since. The relevant sections of the PPG are discussed in the planning considerations section of this statement.

Other material considerations

5.9 The Council consulted on the draft Local Plan Review at regulation 18 stage in Spring 2022. The programme for the Local Plan Review is set out in the Local Development Scheme dated May 2022 (LDS). This indicates that consultation on the publication Local Plan would take place in October/November 2023 with Submission in February 2024, examination in June 2024 and adoption in December 2024. This



timetable has clearly slipped. The council's website indicates that the programme as set out in the most recent LDS is currently under review.



6. Planning considerations

Presumption in favour of sustainable development

6.1 As set out above, Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 This is repeated in paragraph 2 of the NPPF, which states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”

6.3 Paragraph 10 of the NPPF explains that at the heart of the NPPF there is a presumption in favour of sustainable development. Paragraph 11 of the NPPF explains that this means planning permission should be granted for development proposals that accord with the development plan without delay.

6.4 Key Statement DS2 of the Core Strategy: “Sustainable Development” states:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It 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, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.”

6.5 In assessing whether the proposed development accords with the development plan, we refer to the case of *Regina v Rochdale Metropolitan Borough Council [2000] EWHC 650 (Admin)*, which is appended at Appendix **EP4**. This case establishes that an application must be assessed against the development plan when read as a whole. Paragraph 47 of the judgment provides:

“The local planning authority should have regard to the provisions of the development plan as a whole, that is to say, to all of the provisions which are relevant to the application under consideration for the purpose of deciding whether a permission or refusal would be “in accordance with the plan.”



6.6 Paragraph 48 provides:

“It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: “is this proposal in accordance with the plan?” The local planning authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.”

6.7 Paragraph 49 provides:

“In the light of that decision I regard as untenable the proposition that if there is a breach of any one policy in a development plan a proposed development cannot be said to be ‘in accordance with the plan’. Given the numerous conflicting interests that development plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive land escapes et cetera, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan.”

6.8 These principles have been reinforced through recent cases such as *SSCLG vs BDW* [2016] EWCA Civ 493 and *Tiviot Way Investments vs SSCLG* [2015] EWHC 2489 (Admin).

6.9 We now explain why the technical details consent application proposals subject to this appeal comply with the development plan as follows.

The development is acceptable in principle

6.10 Permission in Principle reference: 3/2018/0582 and appeal reference APP/T2350/W/19/3223816 established the principle of residential development for up to 9 units on the appeal site. There is no dispute between the parties that the principle of development is acceptable (in terms of location, land use and amount of development) whilst the Permission in Principle remains extant.



The proposal is acceptable in terms of the provision of affordable housing.

6.11 The first and third part of reason for refusal 1 refer to affordable housing as follows:

"The proposal is considered to be in direct conflict of Key Statement H2 and H3 and Policy DMH1 of the Ribble Valley Core Strategy and Paragraph 64 of the National Planning Policy Framework by virtue of a failure to provide a policy compliant level of affordable housing provision (within a designated rural area as designated under Section 157 of the Housing Act 1985).

Even if a viability justification was accepted, the significant harm caused by the development in failing to provide any affordable housing or encourage a balanced/inclusive community, would outweigh any benefits to development. Therefore the proposal is considered to form an unsustainable development contrary to the overarching objective(s) of the development plan and National Planning Policy Framework."

6.12 Key Statement H3 relates to Affordable Housing. Outside of the settlement boundaries of Clitheroe and Longridge the council will seek affordable housing provision at 30% of units on the site for developments of 5 or more dwellings.

6.13 Since the Core Strategy was adopted, the National Planning Policy Framework has been revised to state at paragraph 64:

"Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount."

6.14 Major development is defined on p.68 of the Framework as follows:

"For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more."

6.15 The site with Permission in Principle for residential development of up to 9 no. dwellings has an area greater than 0.5 hectares. It is also within a designated rural area. Therefore, the starting position is that, the local planning authority will seek 30% of the dwellings as affordable.

6.16 Key Statement H3 also states that:

"Developers will be expected to provide affordable housing on site as part of the proposed development unless Ribble Valley Borough Council and the developer both agree that it is preferable to make a financial or other contribution towards the delivery of affordable housing on another site..."



6.17 We interpret H3 to mean that it is the decision maker who determines whether it is preferable to make a financial or other contribution towards the delivery of affordable housing. The decision maker in this context is the Inspector.

6.18 Policy DMH1: Affordable Housing Criteria which is referenced in the reason for refusal sets out the criteria for those occupying affordable housing units. It is not clear how this relates to the appeal proposals in terms of the reasons for refusal.

6.19 The Appellant contacted a number of affordable housing providers who operate in the area to ascertain the interest in the site for affordable housing (Great Places, Onward, Jigsaw and MSV). The responses from each of the providers was that 3 units on a site is too small for an affordable housing provider to take on board. This correspondence was submitted to Ribble Valley Council by emails dated 27th June 2022, 1 July 2022 and 9th July 2022 as enclosed with the appeal submission.

6.20 As such, the Appellant offered an off-site contribution to Ribble Valley. This approach had previously been accepted as part of planning permission 3/2014/0618 for the adjacent site at Chatburn Old Road, Chatburn which was approved on 11th June 2015. Although this decision was made over 8 years ago, it was determined in the context of the same affordable housing policy. A copy of the section 106 agreement is attached at Appendix **EP5**. An off-site contribution was considered acceptable for this site and we consider that it is also acceptable for the current application.

6.21 Key Statement H3 goes onto state that:

The Framework also provides advice on viability at paragraph 58 as follows:

6.22 The Framework also provides advice on viability at paragraph 58 as follows:

The Framework also provides advice on viability at paragraph 58 as follows:

6.23 It was agreed at a meeting on 11th October 2022 that the Appellant would provide a viability appraisal. This was prepared by Resolve 106 affordable housing consultancy on 15th December 2022. The appraisal



was reviewed by CP Viability Limited on behalf of the local planning authority. This concluded at paragraph 5.5 that:

“However, we would comment that a key reason why the scheme is returning an unviable outcome is, in our view, due to the nature of the design (being high value houses with high corresponding construction costs). It may be the case that a higher density scheme with more typical house types and sizes (i.e. the inclusions of 2/2.5 storey semi-detached housing and smaller detached dwellings of 2/2.5 stores of sub 200 sqm that do not require lower ground floor construction) would return a viable outcome with affordable housing/planning policies applied. In other words, if the scheme was re-designed to provide a higher number of smaller dwellings, then the viability outcome may be different.”

6.24 An 18 dwelling re-designed scheme was suggested. As explained in the opinion from counsel dated 13 February 2023 (enclosed with the appeal documentation), the suggestion of an 18 unit scheme falls outside the remit of the parameters set by the Permission in Principle and cannot be considered as part of the appeal proposals.

6.25 A further response by Resolve 106 to the report prepared by CPV dated 9th February 2023 was submitted to the local planning authority by email on 10th February 2023. This concludes that:

“CPV acknowledge that the conclusions of our FVA were correct in indicating that the application proposals (if amended to include 3 smaller affordable dwellings for sale at a maximum price of £187,000 would not be viable.

Furthermore, we have retested the viability of this position using the amended cost and revenue assumptions advocated by CPV and conclude that there is no alternative scheme of development permissible within the confines of the PIP regime that could support the provision of affordable housing...”

6.26 The local planning authority responded by email also dated 10th February 2023 to state:

“The authority will therefore proceed to determination of the application with a recommendation for refusal on the basis the applicant is not willing to explore ‘down-sizing’ or redesigning a number of the units, thereby reducing construction/other costs to accommodate the provision of affordable housing on site.”

6.27 The Technical Statement of [REDACTED] of Resolve s106 attached at Appendix EP1 provides a detailed assessment of the role of viability in decision making and the viability of the appeal proposals.

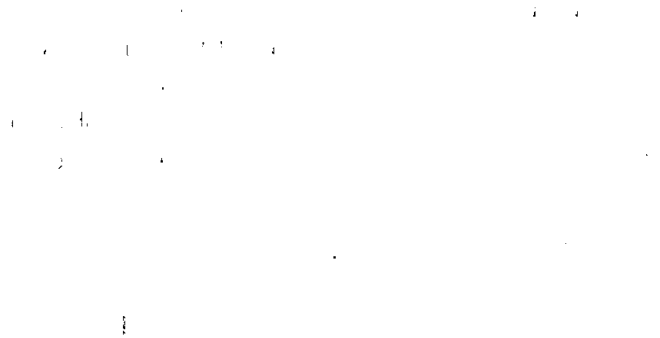
6.28 In summary, it is clear from the viability modelling undertaken that a scheme of 9 houses cannot support affordable housing. There is no alternative scheme of development permissible within the confines of the PIP regime that could support the provision of affordable housing. The Technical Statement prepared by



Resolve s106 concludes that the inability of the appeal proposals to support provision of affordable housing does not constitute a valid reason for refusal.

The proposal would provide a suitable mix of housing that reflects local needs within the borough.

6.29 The second and third part of the first reason for refusal refers to housing mix:



6.30 The reason for refusal refers to paragraph 130 (f) of the Framework. This paragraph relates to design and is not considered relevant.

6.31 Paragraph 62 of the Framework states that:



6.34 Key Statement H2: Housing Balance also refers to the provision of a suitable mix of housing across the Ribble Valley as a whole rather than individual sites. It states that:

“Planning permission will only be granted for residential development providing it can be demonstrated that it delivers a suitable mix of housing that accords with the projected future household requirements and local need across the Ribble Valley as a whole as evidenced by the Strategic Housing Market Assessment.

Determination of planning applications for residential development will be informed by the most recent Housing Needs Surveys, Addressing Housing Needs statement and the most recently adopted SHMA, to identify the type, tenure and size of residential dwellings, required at different locations throughout the borough as well as reference to relevant housing market information as appropriate.” (Our emphasis)

6.35 Key Statement H2 refers to the Ribble Valley Strategic Housing Market Assessment (SHMA). The SHMA is dated December 2008. This concludes that:

“Ribble Valley has an undersupply of smaller more affordable housing types and planning policy can target a better mix of housing in all locations by focussing on gradually increasing the supply of smaller types of housing. This is especially important given the trend towards smaller households and the shortage for development on site. There will also be a need to continuously assess the mix of house types on a site-by-site basis.”

6.36 However, the SHMA is almost 15 years old and is significantly out of date.

6.37 The latest Strategic Housing and Economic Needs Assessment (SHENA) was produced in April 2020 to inform the future review of the Local Plan. Whilst Key Statement H2 refers to the ‘most recently adopted SHMA’, the current development plan policy is not based on the conclusions of the SHENA and the SHENA has not been subject to any independent examination.

6.38 Chapter 5 of the SHENA considers the tenure, size and type of housing needed for the borough as a whole. It does not break this down into area and we are advised by the council that there is no housing need survey or statement for Chatburn.

6.39 The Edge Analytics’ modelling within the SHENA provides a breakdown of projected future change by age and household type over the plan period. Table 5.1 of the SHENA shows the number of bedrooms in properties that were occupied by household type in the Ribble Valley as of the 2011 Census, as shown below:



Table 5.1: Number of Bedrooms by Household Type in Ribble Valley, 2011

Household Composition	1 bed	2 beds	3 beds	4+ beds
One person households	18%	43%	30%	9%
Families without children	4%	30%	42%	24%
Households with dependent children	1%	16%	42%	42%
Families with other adults	1%	15%	50%	34%
Other households	2%	29%	37%	32%
All households	7%	28%	39%	26%

Source: Census 2011

6.40 Although one-person households demonstrated the strongest tendency to occupy smaller housing, 39% of all households lived in houses with three bedrooms or more and 96% of families without children lived in properties with two or more bedrooms. By proportionately applying households' existing tendencies to occupy different sizes of housing, Table 5.2 of the SHENA provides an illustrative profile of the size of housing likely to be required by additional households forming in the Ribble Valley over the plan period where housing provision in Ribble Valley is limited to either the minimum standard method figure (148 dpa) or a higher level of need set out in section 4 of the SHENA (280 dpa)

Table 5.2: Implied Size of Housing Required in Ribble Valley, 2018 – 2033

	1 bed	2 beds	3 beds	4+ beds
148 dwellings per annum	11%	38%	35%	16%
280 dwellings per annum	9%	33%	37%	21%

Source: Turley, 2019; Edge Analytics, 2019; Census 2011

6.41 It is important to note that the assessment above does not reflect people's aspirations and future demand, and must only be treated as illustrative as set out in the SHENA. Furthermore, it does not assess the size, type or range of housing required in particular locations.

6.42 The SHENA states that:



“The analysis suggests that there would be a greater proportionate need for larger homes (i.e. 3 and 4+ beds) where provision was made for 280 dwellings per annum. This reflects the more balanced profile of population and household growth under this scenario, and particularly the growth in families with children that could be likely supported through such a level of delivery.”

6.43 The type of property that may be required to provide homes of this size in Ribble Valley is then estimated in table 5.3 of the SHENA:

Table 5.3: Implied Type of Housing Required in Ribble Valley, 2018 – 2033

	Houses	Bungalows	Flats
148 dwellings per annum	72%	17%	11%
280 dwellings per annum	74%	16%	10%

Source: Turley, 2019; Edge Analytics, 2019; Census 2011; VOA, 2018

6.44 The SHENA concludes at paragraph 5.30 that:

“Whilst this evidence provides a valuable overall indication of the broad mix of housing which may be required, it is recommended that policies are not overly prescriptive in directly basing requirements for individual sites on the illustrative mix presented above. The individual mix of housing provided on a site-by-site basis will need to respond to the changing demands and needs of the market and take account of local market evidence and viability considerations which will have an important influence on the appropriate mix.” (Our emphasis)

6.45 Another key point is that the SHENA assessment was published in April 2020, with the report noting on page 2 that the draft SHENA was completed in September 2019. The report therefore does not provide any analysis of trends which have occurred during and since the pandemic, particularly in relation to the increase in demand for family homes with additional bedrooms / home offices and gardens. The uncertainty regarding the pandemic is acknowledged at paragraph 1.6 of the SHENA, which states:

“Since production of the draft report, the UK’s scheduled departure from the European Union (EU) was delayed to allow for a general election, and despite now having left the EU there remains uncertainty about the nature and impact of new trading relationships. This has been further compounded by the coronavirus pandemic which culminated in an unprecedented shutdown of economic activity in the UK and across the world with an indeterminate period of recovery. While this is yet to have been reflected in local data that could be drawn upon in a report of this nature, with no attempt made to do so on this basis, it clearly increases the level of uncertainty when considering the prospect of future economic growth in any area including Ribble Valley. On this basis, given that the report is to be used to inform a review of the Local Plan – with a separate update of the evidence on employment land already scheduled



to follow – the Council is advised to closely monitor both wider and local economic trends in the context of conclusions drawn at a point in time within this report.”

6.46 Whilst the above paragraph is primarily addressing this in the context of projecting economic and housing growth, this is equally applicable to other matters such as housing mix as the report is clear that it is not attempting to predict future trends arising from the pandemic.

6.47 In terms of providing a mix of housing to reflect local needs, the Technical Statement prepared by Neil Tatton at Resolve s106 provides an assessment of the need and delivery of affordable housing in the Ribble Valley and should be read in conjunction with this proposition.

6.48 In summary, the following considerations are of relevance in considering housing mix on this site:

- There is no specific housing mix within the development plan itself. The SHMA referred to in Key Statement H2 is out of date.
- The most up-to-date evidence is provided within the Strategic Housing and Economic Needs Assessment (SHENA) in April 2020 to inform the future review of the Local Plan. The current development plan policy is not based on the conclusions of the SHENA.
- The SHENA does not break the tenure, size and type of housing down by particular locations and we are advised by the council that there is no housing need survey or statement for Chatburn.
- The assessment in the SHENA proportionately applies households’ existing tendencies to occupy different sizes of housing, to additional households forming in the Ribble Valley over the plan period. The data does not reflect demand.
- The SHENA assessment relies on existing households residing within the Borough at 2011. A component of future moves will arise from in-migration and the SHENA does not consider what these people’s aspirations are.
- The SHENA assessment was undertaken pre-COVID and does not reflect changing aspirations as a result of the pandemic, in particular the demand for family homes with additional bedrooms and gardens which has increased significantly. Increasing numbers of people now work from home at least part of the time and in many homes this necessitates using at least one bedroom as a home office.
- The SHENA sets out an indication of the broad mix of housing which may be required but is clear that the application of this should not be overly prescriptive in directly basing requirements for individual sites on the illustrative mix.



6.49 As set out above, Key Statement H2: Housing Balance requires residential development to demonstrate that it delivers a suitable mix of housing that accords with the projected future household requirements and local need across the Ribble Valley **as a whole**. Neither Key Statement H2 or the SHENA seeks to control housing mix so that development on individual sites is aligned to its findings.

6.50 The appeal proposal provides 9, 4+ bedroom homes. It is accepted that the proposals provide large detached dwellings. However, the particular mix on a site must be assessed on a site by site basis with consideration given to the specific characteristics of the site. The appeal site extends to 0.99 hectares is situated on the edge of Chatburn and is restricted to 9 dwellings as a result of the PIP. The application site is therefore confined to lower density development.

6.51 This is consistent with other decisions within the Ribble Valley where there are examples that the local planning authority has not enforced a housing mix in the case of a number of small sites, examples include:

- 17-25 Whalley Road, Mellor Brook (3/2018/1080): planning permission was granted for the construction of five new dwellings on a site of 0.98 hectares. All five dwellings contain five bedrooms. The decision was issued in March 2019. A copy of the committee report is attached at Appendix **EP6**.
- Oakhill College, Wiswell Lane, Whalley (3/2020/1083; 3/2018/1124) - planning permission was granted in April 2019 for 8, 4+ bedroomed properties. A copy of the application form and officer's report are attached at Appendix **EP7**.
- The Moorcock Inn, Slaidburn Road, Waddington (3/2018/0344; 3/2017/0674, - 3/2018/1052) - planning permission was granted for the demolition of the Moorcock Inn and the construction of 4, 4+ bedroom houses. Whilst this application was initially recommended for refusal, the reasons for this were not related to housing mix. A copy of the application form is attached at Appendix **EP8**.

6.52 Similarly, there is a mix of housing schemes being delivered across the borough ensuring that there is a suitable mix of housing across the borough as a whole. There is a considerable difference in the type of housing and mix provided on sites depending on the site characteristics and location. As set out above, some sites provide only larger homes whereas other sites deliver specific tenures and/or only smaller homes. The mix is driven by location and the demand in the locality. The individual mix of housing when assessed on a site-by-site basis takes account site specific and locational considerations and applies the flexibility suggested by the SHENA. Examples include:

- Land off Sheepfold Crescent, Barrow (3/2020/0332) – reserved matters consent for appearance, landscaping, layout and scale following outline planning permission 3/2018/0910 for 20 bungalows for the elderly and 6 affordable apartments. The



application proposed 12 two bedroom bungalows, 8 two bedroom apartments and 6 three bedroom apartments. A copy of the decision notice is attached at Appendix **EP9** (officer's report unavailable).

- Land at Primrose Works, Primrose Road, Clitheroe (3/2019/0954) – planning permission was granted for the demolition of the existing workshop buildings, conversion of two main vacant mill structures to provide 25 residential apartments erection of cycle/refuse store, laying out of parking and circulation areas and associated landscaping on 5th March 2020. The permission approved 11, 1 bedroom apartments and 14, 2 bedroom apartments. A copy of the committee report is attached at Appendix **EP10**.
- Land at Petre Wood Close, Langho (3/2019/0661) – planning permission was granted on 1 November 2019 for the erection of 31 affordable two and three-bedroom houses and two-bedroom bungalows. The application site proposed a mix of 11, 2 bedroom bungalows, 12, 3 bedroom houses and 8, 2 bedroom houses. The local planning authority did not enforce a housing mix consistent with the SHMA. A copy of the committee report is attached at **EP11**.
- Dog and Partridge, Hesketh Lane, Chipping (3/2018/0786) – planning permission was granted in June 2019 for the conversion of the existing restaurant to 12 apartments and siting of four holiday lets. The proposals comprised 5 two bedroom flats and 7, 1 bedroom flats. No assessment of housing mix was made. A copy of the committee report is attached at **EP12**.
- Crow Trees Farm, Crow Trees Brow, Chatburn (3/2022/0966) – the local planning authority has resolved to grant planning permission for the construction of 37 affordable homes together with the conversion of former dairy outbuilding to a dwelling and the refurbishment of the farmhouse to a dwelling. The mix of housing proposed comprises 8 x 1 bed apartments (21%), 10 x 2 bedroom houses (25%), 3 x 3 bedroom houses (8%) and 4 x 4 bedroom houses (10%). A copy of the committee report is attached at **EP13**.

6.53 If each of the above sites is taken in isolation, the same conclusion could be reached as per the appeal site, that the proposals do not result in the creation of a development with a well-integrated mix of homes of different types of tenures or encourage a balanced/inclusive community. However, having regard to the policy requirement, there is a suitable mix of housing being delivered across the borough as a whole.

6.54 Our conclusions in respect of housing mix are as follows:

6.55 First, we would refer again to our broad conclusions in respect of the policy and evidence base and how this should be applied (see paragraph 6.48 above).

6.56 Second, there is a considerable difference in the housing mix provided on sites depending on the site characteristics and location. For example, some sites provide only larger 4+ bedroom homes (see examples at 6.49 above) and others provide smaller homes or a specific type of housing (see examples at



6.50). The mix is driven by location and the demand in the locality. The individual mix of housing when assessed on a site-by-site basis takes account site specific and locational considerations and applies the flexibility suggested by the SHENA. Whilst different sites may deliver a specific type or model of housing, overall there is a suitable mix of housing being delivered across the borough as a whole.

6.57 Third, although the overall mix delivered differs from the implied size of housing required as set out in the SHENA, the assessment above show that a suitable mix of housing is being delivered across the Ribble Valley as a whole. The development proposed on this site has been driven by the Permission in Principle and the grant of technical details consent would not detrimentally impact on the provision of a mix of housing across the Ribble Valley as a whole.

6.58 In summary, having regard to the site specific context, the proposed mix is acceptable and complies with the development plan.

The proposal is acceptable in terms of overlooking.

6.59 The second reason for refusal states that:

“The proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the outlook of Plot 07 will result in significant elevated overlooking of the private garden area of number 26 Crow Trees brow, being of significant detriment to the sense of privacy and residential amenities enjoyed by current/future occupiers of the affected dwelling.”

6.60 The officer’s delegated report provides a detailed assessment as follows:

“The site bounds numbers 18-28 Crow Trees Brow at its eastern and south-eastern extents with the site benefitting from a higher land level than that of the existing dwellings located on Crow Trees Brow. In this respect consideration must be given for the potential to result in direct overlooking, from an elevated position, into adjacent private residential curtilage areas or habitable room windows of existing residential receptors, particularly that of number 26 Crow Trees Brow. In this respect, taking account of the proximity of habitable room windows associated with Plot 07, in concert with the elevated level(s) associated with the proposed dwelling, it is considered that the residential amenities of the occupants of number 26 will be measurably diminished and adversely impacted to an unacceptable level insofar that the rear garden area of the existing dwelling is likely to be significantly overlooked, from an elevated position by Plot 07.”

6.61 The local planning authority raises no objection with regard to privacy or interface distances. Nor does it raise unacceptable concern with regard to overlooking of the habitable room windows of 26 Crow Trees Brow. The issue raised relates to overlooking of the rear garden. As explained in section 4, this reason



for refusal was not a point raised in pre-application correspondence or that the applicant was made aware of during the application process until the receipt of the decision notice.

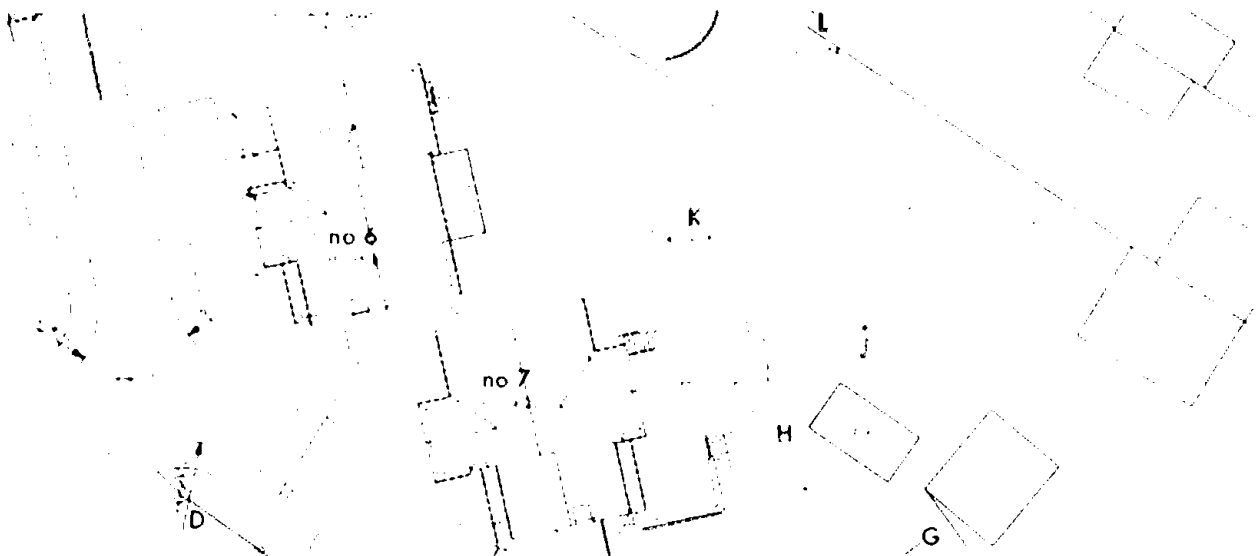
6.62 In respect of amenity, Policy DMG1: General Considerations requires new development (amongst other things) to:

- 1. Not adversely affect the amenities of the surrounding area.
- 2. Provide adequate day lighting and privacy distances

6.63 There are no applicable standards in terms of garden depths or change in levels and this is a matter of planning judgement.

6.64 No 7 is positioned 10.8m from the boundary with 26 Crow Trees Brow at its closest point. There is not a direct relationship with no. 7 positioned at an oblique angle and this distance increases throughout the plot. There would be a change in levels from the finished floor level of no. 7 at 114.20 to the garden of 26 Crow Trees Brow at 112.23. The proposed boundary treatment is a 1.8m high hit and miss fence which would be boarded on both sides as shown on the refused site layout drawing PL30 Rev E. The proposed garden for no. 7 is on two levels with a sunken garden inside the walled structure to the immediate east of no.7.

6.65 No 26 Crow Trees Road benefits from a garden depth of some 43.4m. There are some outbuildings/garden structures within the curtilage and the approximate location of these has been plotted on the proposed site plan enclosed at Appendix EP14 and shown on the extract below:



6.66 These structures comprise:

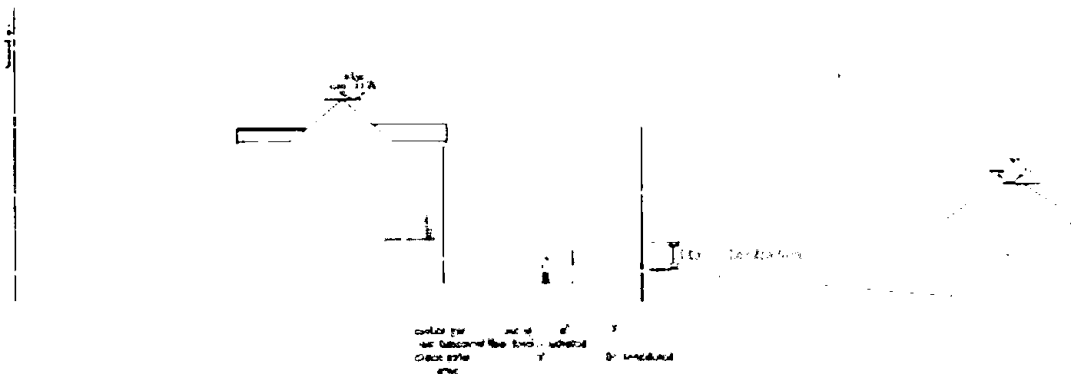
- 01: greenhouse situated on the east boundary with No. 24.
- 02: timber garden room situated in the north west corner of the site closest to the boundary with proposed dwelling No. 7.
- 03: timber shed positioned along boundary with No. 7
- 04: timber shed to rear of garage

6.67 Structures 2 and 3 would provide an intervening visual break along the boundary J to K together with the existing tree at boundary corner J. Boundary G-H is well screened within the curtilage of No. 26 with structure 04 also providing a visual break along this boundary. The area beyond this appears to be used as hardstanding for car parking.

6.68 No. 7 would be at its closest point to the rear garden of 26 Crow Trees Brow at the part of the garden most distant from No. 26. Whilst it is acknowledged that there would be some views to the rear garden of 26, this would be over the rear bottom end of the garden where existing garden structures provide a visual break and it is often the case that there is some mutual overlooking in residential areas. In this case, the main activity area of No. 26 away from the shared boundary with No. 7. There is a sitting out area adjacent to the glasshouse (structure No 1) along the boundary with No. 24 Crow Trees Brow which would be beyond the direct line of sight from No. 7.

6.69 Enclosed with the appeal submission are various sections prepared by Stanton Andrews. Attached at Appendix **EP15** is section 1903 PL53 Rev B which shows a section through plot 7 to No. 26 Crow Trees Brow. The key plan references the section line that has been taken showing that this passes perpendicular to the plot/house and through the rear gable (i.e. the part of the house closest to No.26). A 1.8m high boundary treatment is illustrated on the drawings but existing outbuildings and trees which would provide the intervening breaks are not shown. This section excludes background data (which perhaps appeared to be a raised terrace) to avoid confusion. An extract from this plan is shown below:





6.70 The section illustrates that notwithstanding the change in levels, the proposals would not provide 'significant overlooking' of the private garden of No.26.

6.71 In summary, the degree of overlooking would not unacceptably adversely affect the residential amenity of No. 26.

The proposal is acceptable in all other regards.

6.72 Article 35 (b) of the General Development Management Procedure Order 2015 requires authorities to state clearly and precisely their full reasons for refusal specifying all policies and proposals in the development plan which are relevant to the decision. There was therefore no dispute by the local planning authority in respect of visual amenity/external appearance, highways and parking, landscape, ecology, flood risk/drainage or trees or any other matter.

6.73 The proposal is therefore considered acceptable in all other regards.



7. Summary

- 7.1 This appeal is made on behalf of Mr Ronald Jackson against the refusal of technical details consent (reference: 3/2022/0500) by Ribble Valley Borough Council for residential development of up to 9 dwellings following the grant of Permission in Principle (application reference: 3/2018/0582; appeal reference: APP/T2350/W/19/3223816) at land to the south of Chatburn Old Road, Chatburn.
- 7.2 The appeal statement concludes that the principle of development has been established by the grant of Permission in Principle and this sets the parameters for the development proposed at the technical details stage in terms of quantum of development. Having regard to the report prepared by Resolve s106, the proposal is acceptable in terms of the provision of affordable housing. The housing mix proposed is acceptable in the context of the parameters set by the Permission in Principle. The assessment above shows that a suitable mix of housing is being delivered across the Ribble Valley **as a whole**. The grant of technical details consent would not detrimentally impact on the provision of a mix of housing across the Ribble Valley as a whole. Finally, the proposal is acceptable in terms of overlooking.
- 7.3 The proposed development would comply with policies set out in the development plan and the Framework and therefore in accordance with paragraph 11 of The Framework, technical details consent should be granted. There are no material considerations to indicate otherwise.



EP1