

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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STATEMENT OF CASE

TOWN & COUNTRY PLANNING ACT 1990

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| Planning Inspectorate Reference: | APP/T2350/W/25/3368139 |
| LPA Application Reference: | 3/2022/1158 |

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| Appeal By: | Oakmere Homes (NW)Ltd |
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| Against the refusal by Ribble Valley Borough Council to grant planning permission for: |
| Erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre |
| Site Address: |
| Land South of Accrington Road Whalley |

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

Introduction:

- 1.1 This appeal is against the decision of Ribble Valley Borough Council to refuse planning permission for the erection of 17 dwellings and 57 apartments with associated access, roads, car parking, landscaping and infrastructure, including a public car park to serve Whalley town centre at land south of Accrington Road, Whalley.
- 1.2 At the Planning and Development Committee meeting on 28th November 2024, Committee were minded to refuse the granting of planning permission for the proposed development on the grounds that the proposal fails to provide a policy compliant level of affordable housing provision.
- 1.3 With Committee also being minded to refuse the granting of planning permission on the basis that the proposal has failed to adequately demonstrate that it will not result in any adverse impacts upon the safe operation of the highways network.
- 1.4 The application was subsequently taken back to the next Planning and Development Committee meeting on 9th January 2025 for Committee to agree the precise refusal reasons, with the application having then been subsequently refused on 10th January 2025 for the following reasons:
 1. *The proposal is considered to be in direct conflict with Key Statements H2 and H3 and Policy DMH1 of the Ribble Valley Core Strategy by virtue of a failure to provide a policy compliant level of on-site affordable housing provision. Even if a viability justification was accepted, Key Statement H3 only allows a reduction in the level of affordable housing provision to a minimum of 20%, whereas in this case no provision is being offered either on-site or off-site by way of an equivalent financial contribution, and the lack of any affordable housing provision would result in a form of development that would fail to address local housing need and fail to contribute towards or encourage a balanced / inclusive community.*
 2. *The proposal is considered to be in direct conflict with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy insofar that insufficient junction modelling information has been provided to demonstrate that the proposed development will not result in cumulative measurable adverse and severe impacts upon the safe operation of*

the immediate highways network.

Appeal Site and Surrounding Context:

- 2.1 The appeal site relates to an area of land located at the eastern extents of and within the defined settlement limits of the settlement of Whalley. The site is currently greenfield in nature, being located on the southern side of Accrington Road.
- 2.2 The site, at its northwestern extents benefits from a direct interface with the eastern-most boundary of the designated Whalley Conservation Area. The site is bounded to the south by the River Calder with residential properties fronting Accrington Road and Woodfield View bounding the western extents of the site.

Site History:

- 3.1 The planning history relevant to the appeal site is as follows:

3/2021/1277:

Erection of 23 dwellings and 81 apartments, of which 49 are for people aged over 55, with associated roads, car parking, landscaping and infrastructure, accessed from Accrington Road. (Refused)

3/2018/1100:

Construction of part of the vehicular access to the site from Accrington Road. (Approved)

3/2018/0423:

Non-material amendment to approved outline planning permission 3/2012/0179 (Outline application for a residential development for the elderly, comprising of 37 bungalows and 40 retirement apartments) to allow variation of conditions 15 and 19 to allow the formation of the site access to take place before the completion of the flood compensation scheme and the wildlife pond. (Approved)

3/2018/0135:

Discharge of conditions 9 (energy reduction), 20 (external lighting) and 27 (car park details) from planning permission 3/2012/0179. (Approved)

3/2018/0120:

Discharge of conditions 3 (finished floor levels), 5 (boundary treatments), 7 (elevations plans) 10 (sustainable drainage), 14 (phasing) and 15 (street maintenance and management) from planning permission 3/2016/0344. (Approved)

3/2017/0551:

Discharge of condition 4 (construction scheme), 7 (programme of archaeological work) 13 (method statement), 17 (surface water drainage scheme), 22 outline for the general system of drainage for foul and surface water flows), 23 (foul drainage scheme), 24 (separate foul and surface water schemes) and 25 (surface water drainage and means of disposal) from planning permission 3/2012/0179. (Approved)

3/2016/0526:

Residential development comprising 17 bungalows, 12 houses, 20 apartments and 26 sheltered apartments together with access roads, car parking, landscaping, open space and flood compensation storage area. (Withdrawn)

3/2016/0344:

Application for approval of reserved matters of layout, scale, appearance and landscaping and the additional reserved matters required by Conditions 2 and 8 following outline planning permission 3/2012/0179 for a residential development for the elderly, comprising of 37 bungalows and 40 retirement apartments. (Approved)

3/2012/0179:

Outline application for a residential development for the elderly, comprising of 37 bungalows and 40 retirement apartments. (Approved)

Relevant Planning Policy & Guidance:

- 4.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF December 2024) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

National Policy Context

- 5.1 The National Planning Policy Framework (December 2024) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in planning decisions.
- 5.2 The NPPF (Para.2) reaffirms that the planning system is plan-led and that 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. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Local Policy Context

- 6.1 The Inspector's final report into the examination of the Ribble Valley Core Strategy is dated 25th November 2014 and was made public at 9.00am on Tuesday 2nd December 2014. The Inspector concluded that, with the recommended main modifications set out in the Appendix to the Inspector's report, the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. The formal adoption of the Core Strategy (including the Inspector's modifications) was considered and adopted at a Meeting of Full Council on Tuesday 16th December 2014.
- 6.2 In view of the Inspector's conclusions and the subsequent formal adoption of the Core Strategy the Ribble Valley Core Strategy is therefore the starting point for decision making within the Borough. As the Council can demonstrate a five-year housing supply, the local planning authority considers that full weight should be given to the policies contained within the development plan unless a policy conflict with the NPPF is identified, in which case reduced weight would be considered accordingly.

Statement of Case on behalf of the Local Planning Authority:

Refusal Reason 1

- 7.1 Core strategy key statement H3 contains the following wording:-

The Council will only consider a reduction in this [30%] level of provision, to a minimum of 20% only where supporting evidence, including a viability appraisal fully justifies a lower level of provision to the council's satisfaction.

- 7.2 Whilst failing to deliver any affordable housing means there is a policy conflict because the development is failing to achieve the minimum policy requirement of 20% (where a viability case is accepted), the Council accepts that imposing a minimum threshold is inconsistent with the NPPF and therefore this policy should be afforded reduced weight in that context.
- 7.3 On the basis that the Council does not dispute the appellant's viability case and accepts that this part of the policy is in conflict with the NPPF which is a material consideration that carries significant weight, then the Inspector is advised that the Council no longer wishes to defend this refusal reason.

Refusal Reason 2

- 7.4 As part of the appeal submission by the appellant, additional highways modelling work has been undertaken to address refusal reason 2. This modelling has used existing traffic flows taken from Accrington Road and at the King Street Mini Roundabout and A671 Traffic Signals junctions in March 2025 with traffic from the Lawsonsteads committed residential development added on. Using this methodology a set of 2030 peak hour baseline flows has been derived and the proposed development traffic, ignoring the fallback position, was added on. It also considers the likely impact on traffic flows from the new link road through the Lawsonsteads development which is expected to be opened next year and which is designed to reduce the traffic flows at the mini-roundabout and reassign traffic from Accrington Road to the A671 at the A671 traffic signal junction.
- 7.5 With respect to King Street mini-roundabout the modelling shows that the development results in very marginal changes to the ratio of flow to capacity (RFC) values and no change at all to the levels of traffic queuing, confirming no material impact from the proposed development. While the modelling does show that the King Street north junction would be operating close to capacity in the morning peak hour it shows the impact of the proposed development would be negligible. Additionally the modelling shows that with the reassignment of traffic flows to the Lawsonsteads link road there would be a substantial

reduction in queue length on this approach taking the RFC and queue length back to existing levels.

- 7.6 With respect to the A671 Traffic Signals, the modelling shows that this junction operates well within capacity and the development would result in very marginal changes to the degree of saturation (RFC) values). In the morning peak there is an increase on one vehicle queuing on the Accrington Road approach. In the evening there is no change at all in queue length. Again, this confirms through modelling that there would be no material impact from the proposed development at this junction. Additionally the modelling shows that the reassignment of traffic flows to the Lawsonsteads link road has a slight benefit at this junction as it moves traffic from the right and left turn from and to Accrington Road to the ahead movements on the A671. These ahead movements have higher capacities than the turning movements.
- 7.7 The Appellant's Highways Statement of Case concludes that 'the proposed development could not be considered severe in any context or scenario so there is no justification for highways to be a reason for refusal'. The appellants submission also includes a Highways Statement of Comment Ground, signed by the Local Highways Authority, which concurs with the findings of the Highways Statement of case in that there will be no severe highways impacts resultant from the proposal.
- 7.8 The Inspector is advised that upon review of the additional highway modelling work undertaken by the appellant for the appeal, which has addressed the previous concerns, then the Council no longer wishes to defend this reason for refusal.

Planning Balance

- 7.9 Notwithstanding the above matter, the appellant, within their appeal submissions have stated that they do not consider the Local Planning Authority can demonstrate a 5 Year Housing Land Supply. With the appellant asserting that the Authority can only currently demonstrate a 3.38 years supply.
- 7.10 In this respect the appellant considers that the provisions of Paragraph 11(d) of the NPPF should be engaged, with the 'tilted balance' therefore weighing firmly in favour of the proposal.

- 7.11 The Council's position is that the authority can currently demonstrate a 6.2 Year Housing Land Supply, as contained within the 5 Years Housing Land Supply Report (May 2025) (Appended).
- 7.12 As such, notwithstanding the decision by the authority not to pursue the defence of refusal reasons 1 or 2, the authority considers that the 'tilted balance' and provisions of Paragraph 11(d) of the National Planning Policy Framework are not engaged insofar that the authority can currently demonstrate a Housing Land Supply in excess of 5 years and does not consider the relevant development plan policies to be out-of-date. Whilst the Council accepts that Key Statement H3 is out-of-date as set out above, this is only insofar as the policy references the lower minimum 20% threshold, but this alone would not mean the tilted balance is engaged.
- 7.13 Therefore the Council would respectfully invite the Inspector to engage the provisions of Paragraph 11(c) of the NPPF, which means approving development proposals that accord with an up-to-date development plan without delay. This is because the reduced weight afforded to the specific 20% threshold conflict means that there would be no overriding conflict with the development plan taken as a whole.

Concluding Statement:

- 8.1 For the reasons outlined above, the Local planning authority wishes to confirm that it will no longer seek to defend refusal reasons 1 or 2 relating to refused application 3/2022/1158.
- 8.2 Further to the above, the Council considers that the 'tilted balance' and provisions of Paragraph 11(d) of the NPPF are not engaged and that instead the appeal should be considered under the provisions of Paragraph 11(c) of the development plan, as such the Council would invite the Inspector to grant planning permission on that basis, subject to suitable conditions and the completion of an acceptable Unilateral Undertaking (separate correspondence on this will be sent to the Inspector, likely as part of the Statement of Common Ground).