



JUDITH DOUGLAS TOWN PLANNING LIMITED

Land adjacent to 110 Ribchester Road, Clayton Le Dale, BB1 9HQ.

Outline planning application for one self-build dwelling (access applied for).



Planning Statement March 2023

JDTPL0408

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## **1.0 INTRODUCTION**

- 1.1 This outline planning application has been prepared by Judith Douglas Town Planning Ltd on behalf of the applicant and seeks outline planning permission for one self-build dwelling with all matters reserved except access.
- 1.2 This Statement will describe the application site and surroundings and the development being proposed. The relevant planning policies will then be discussed. We will demonstrate that the application complies with the development plan and other material considerations and conclude that planning permission should be granted.
- 1.3 This application should be read in conjunction with drawings:  
Location plan 2283 at 1:1250  
Existing site plan 2283-01  
Proposed site plan 2283-02 (including indicative layout)

## **2.0 THE APPLICATION SITE AND SURROUNDING AREA**

- 2.1 The application site is agricultural land on the north side of Ribchester Road adjacent to 110 Ribchester Road. The agricultural land extends to approximately 10.3 hectares and is owned by [REDACTED]
- 2.2 The land is part of a gap between the existing dwellings 110 Ribchester Road and 126 Ribchester Road. Due to the orientation of the adjacent dwellings the gap decreases from about 75m, at the front of the site adjacent to the road, to about 61m at the rear of the site. The southwest corner of the site is used as an allotment with polytunnel. The site area is approximately 0.13 hectares.
- 2.3 The site is separated from the edge of the highway by a stone boundary wall and hedge. There is an existing vehicle access off Ribchester Road onto the land roughly midway along the site frontage.
- 2.4 Ribchester Road is a classified road, the B6245. The speed limit is 30 mph. There is a footway and street lighting on the southern side of Ribchester Road. Across the site frontage is a modest grass verge. A footway begins on the north side of Ribchester Road at the site boundary with 110 Ribchester Road. A recent speed survey carried by the local community police and the Parish Council showed the maximum average speed of the 85<sup>th</sup> percentile was 32 mph.

2.5 The character of the area is semi-suburban. To the east of the site the context is suburban with features such as streetlights, footpaths and hard kerb edging. The properties are mostly dwellings which front Ribchester Road. The dwellings are a mixture of styles, size and age largely dating from the 20<sup>th</sup> century. Opposite the site is the former farmstead of Clayton Hey. The dwellings on the south side of Ribchester Road to the west of the site are mostly detached properties set within large gardens. On the north side of Ribchester Road to the west of the site the dwellings are mostly bungalows and are more closely spaced.



Figure 1 Extract from Inset 14 Sheet 6 of the adopted Housing and Economic Development, Development Plan Document (HEDDPD) proposals map. The black line is the settlement boundary Wilphshire/Salesbury.

- 2.6 The site historically had buildings on it, but these have long since been demolished. There are public footpaths across the fields to the east and west of the site. Salesbury Primary School, the Bonny Inn and the village hall are within walking distance of the site. The bus stop at the Bonny Inn has hourly service 45 Preston -Blackburn as well as schools services.
- 2.7 The site is in open countryside immediately adjacent 110 Ribchester Road which is immediately adjacent to the settlement boundary of Wilphshire on Inset 14 Sheet 6 of the adopted Housing and Economic Development, Development Plan Document (HEDDPD) proposals map. See figure 1.

- 2.8 The site is not in a conservation area and there are no listed buildings in the near vicinity. It is not in a minerals' safeguarding area. The GOV.UK flood map for planning indicates that the site is within flood zone 1 an area least likely to flood.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 It is proposed to develop the site for one self-build dwelling for the applicant. The applicant runs the [REDACTED] from the application site. The proposed site is an ideal location for the applicant being very close to his place of work and close to his [REDACTED] about [REDACTED] from the site. [REDACTED] demands long hours of work, mostly 7 days per week 9.30am to 12am midnight. The applicant employs [REDACTED]. He currently lives on [REDACTED].
- 3.2 The application site and the adjoining 24 acres of agricultural land are owned by the [REDACTED]. The land is jointly farmed by the applicant [REDACTED]. The land has been in their family for generations, and they have a strong attachment to it. The creation of a dwelling on the site will enhance the applicant's quality of life by being close to his place of work, close to [REDACTED] and close to the family farmland which he helps farm.
- 3.3 It is envisaged that the proposed dwelling will be a bungalow or one and a half storey dwelling in keeping with the dwellings nearby. Vehicle access will be as a joint access to serve the proposed dwelling and the agricultural land to the rear. The plot is of a sufficient size to provide a garden and parking and turning space so that vehicles can enter and leave the site in forward gear.
- 3.4 The vehicle access is designed to incorporate the requirements of the recent planning permission to create an access track and discharge of condition application listed in the planning history below. The access will be provided with visibility splays of 2.4m by 45m in both directions.

### **4 PLANNING HISTORY**

- 4.1 There have been two recent planning applications. 3/2020/0807 Proposed agricultural building for the housing of sheep, cattle and storage of farming equipment. New farm track and concreting approved 26<sup>th</sup> January 2020. 3/2021/0600 Discharge of condition 7 from planning permission 3/2020/0807 (scheme for construction of site access and the off-site works of highway improvement).

## 5. PRE-APPLICATION ADVICE

- 5.1 Planning pre-application advice was sought for the development of one dwelling adjacent to 110 Ribchester Road in 2019. The dwelling was not proposed as a self-build. The pre-application advice received was negative due to the site being outside the settlement boundary.
- 5.2 Positive highway pre-application advice has been received from Lancashire County Council dated 24<sup>th</sup> September 2022 see appendix. The response included advice on the design of the internal gate position which has been incorporated into the submitted scheme.

## 6 DEVELOPMENT PLAN POLICY

- 6.1 The Development Plan for the purposes of this application comprises the Ribble Valley Core Strategy (adopted 2014) and the National Planning Policy Framework (NPPF) (2019).

### *Core Strategy (2014)*

- 6.2 The following policies are of relevance to the proposal:

#### Ribble Valley Core Strategy:

- Key Statement DS1 (Development Strategy) sets out the development strategy for the Borough
- Key Statement DS2 (Presumption in favour of sustainable development) – the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- Key Statement DMI2 (Transport Considerations) aims to promote sustainable patterns of travel.
- Policy DMG1 (General Considerations) – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- Policy DMG2 (Strategic Considerations) – expects development to be in accordance with the Development Strategy and that development proposals in defined settlements should 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. The policy goes on to indicate 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 by virtue of its size, design, use of materials, landscaping and siting. It also indicates that where possible, new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.
- Policy DMG3 (Transport and mobility) consider the development in relation to the primary route network, the provision made for access by pedestrian, cyclists and those with reduced mobility

- Policy DME2 (Landscape & townscape protection) development should not harm local landscape or landscape features
- Policy DMH3 (Dwellings in the open countryside and the AONB) new dwellings are restricted to rural workers dwellings, dwellings that meet an identified local need, conversion of existing buildings to dwellings and replacement dwellings.

#### Other documents

- 6.3 National Planning Policy Framework 2021. Paragraph 11 states plans, and decision should apply a presumption in favour of sustainable development. Paragraph 218 states *“the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.”*
- 6.4 Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

## 7 EVALUATION

- 7.1 The National Planning Policy Framework paragraph 62 footnote 28 states *“Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.”* The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period. Authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
- 7.2 Paragraph 62 of the NPPF identifies people wishing to commission or build their own homes as a distinct section of the community, for which the size, type and tenure of housing needed should be assessed by the Council and reflected in planning policies.
- 7.3 The Council’s Core Strategy does not have any specific housing policies relating to self-build dwellings as it pre-dates the Self Build and Custom Housebuilding Act 2015. There are no

sites allocated for self-build in the development plan. The Council **does have a Self-build and Custom Build Register**. The current entries on the register as of the 12<sup>th</sup> January 2023 was:

Base Period	Number of Entries
October 2021-2022	15
October 2020 – 2021	12
October 2019 – 2020	8
October 2018 – 2019	14
October 2017-2018	16

It was confirmed by the Council that at three years from the first base period to October 2021 there was a requirement for the Council to provide permission for 16 units, and by October 2022 the requirement is 30. At the present time the Council has granted planning permission for one self-build custom build dwelling secured by a legal agreement 3/2021/0998 Tree Tops, Wiswell Lane Whalley. The current outstanding requirement is for 29 units.

#### Main Issues

- 7.4 The main considerations relevant to this application are:
- Whether the proposed development would comply with the relevant planning policies relating to the location of housing development.
  - The effects of the development on the character and appearance of the area
  - Impact on highway safety
  - The weight to be given to the need for sites for self-build and custom-build housing in the Borough.
- 7.5 The spatial strategy for Ribble Valley is set out in Key Statement DS1. This focuses new housing development to the main settlement of Clitheroe Longridge and Whalley and nine tier 1 settlements. Sheet 6 inset 14 – Wilpshire, shows that the site is just beyond the settlement boundary of Wilpshire which encompasses the village of Salesbury within its boundaries. Of the nine tier 1 settlements, Wilpshire was second to Barrow in terms of the number of new dwellings required over the plan period as shown in the table to Key Statement DS1. Willpshire/Salesbury was chosen as a tier 1 settlement as being one of the more sustainable of the 32 defined settlements.
- 7.6 Development proposals for housing outside settlements are covered by Policy DMG2: Strategic Considerations and Policy DMH3:dwellings in the open countryside and the AONB. Policy DMG2 states that development in principle settlements and tier 1 villages (which

includes Salesbury and Wilpshire) should *“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”*. Outside defined settlement areas development must meet at least one to following considerations.

*“1. The development should be essential to the local economy or social well being of the area.*

*2. The development is needed for the purpose 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 development 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.”*

In terms of the design of the development policy DMG2 goes on to say 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 by virtue of its size, design, use of materials, landscaping and siting.”*

7.7 The proposed development does not meet any of the circumstances listed in policy DMG2. Proposals for self-build and custom build housing is not included in the definition of “local needs housing” in the Glossary to the Core Strategy or indeed in any part of the Core Strategy as the requirement to provide for self-build housing was introduced by the Government after the adoption of the Core Strategy.

7.8 Policy DMH3 similarly requires housing outside settlement boundaries to meet a specific need, namely, to be essential for the purposes of agriculture or residential development which meets and an “identified local need”. The definition or “identified local need” is not given in the Glossary to the Core Strategy housing again because the requirement to provide for self-build housing was introduced by the Government after the adoption of the local plan.

7.9 Nevertheless, the Council is required to keep a record of those persons wishing to construct their own home on the Self-build and Custom Housebuilding Register. The register therefore identifies local housing need. Indeed, there is a duty placed on the Council to grant sufficient numbers of suitable permissions to meet demand for self-build and custom build housing within their area. There is a tension between the policies in the Core Strategy which set out the location requirements for new housing which does not include any provisions for self-

build dwellings and the requirement for the Council to provision sufficient planning permissions to meet the demand identified by self-build and custom-building register.

- 7.10 Key Statement DMI2: Transport Considerations, requires new development to be located to minimise the need to travel. It should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need for travel by car. The application site benefits from links on foot along a highway with pavements and street lighting to a primary school 600m, village hall 400m, public house 280m, bus stop 290m with and hourly service between the main town centres of Preston and Blackburn. The bus service passes Ramsgreave and Wilpshire railway station with services between Clitheroe and Manchester. The nature of the road is suitable for cycling. The site is in a sustainable location close to the settlement boundary of Wilpshire/Salesbury a tier 1 settlement .

#### Character and appearance

- 7.11 The site is adjacent to existing housing to the east and there is further existing housing development to the west. The frontage of the site is Ribchester Road and opposite is the dwelling Clayton Hey. The development is well contained and will not encroach into the countryside to the north beyond the existing rear garden boundaries of the dwellings on the northern side of Ribchester Road. When viewed from the public footpath to the north of the site the development will be seen in the context of the existing housing development on Ribchester Road. The development of the site would have no impact on the setting of the village of Salesbury and negligible impact on the surrounding countryside.
- 7.12 The application site has sufficient space to accommodate a dwelling most likely a bungalow or one and half storey dwelling, associated garden, parking and access and the agricultural access to the land beyond. An indicative footprint of a dwelling has shown on drawing 2283-02 proposed site plan. There is nothing to suggest that a design that is attractive and sensitive to the local context could not be achieved on the site. The proposed development would not cause any material harm to the character and appearance of the countryside or the village of Salesbury or the surrounding area. The proposal is therefore in conformity with policies DMG1, DMG2 and DME2 in this respect.
- 7.13 The dwelling 110 Ribchester Road has windows in the gable elevation which overlook the application site. These are secondary windows to the front and rear ground floor rooms and first-floor landing window. The site is of a sufficient size that a sufficient distance can be maintained between 110 Ribchester Road and the proposed dwelling for privacy to be maintained and no overbearing impact to occur. The proposal is therefore in conformity with policy DMG1.

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## Highways

- 7.14 We have received positive pre-application advice from the Local Highway Authority in regard to the suitability of the proposed access to the site. Modification to the gate position internal to the site was suggested and has been incorporated into the design. The speed limit at the site frontage is 30 mph. The recent speed surveys carried out by the local community police and Parish Council suggests that the average speed is 32 mph. A visibility splay of x 2.4m by y 45m is indicated on the submitted plan 2283-02. There is sufficient space within the site for parking and turning to allow vehicles associated with the new dwelling to enter and leave the site in forward gear.

## Self-build and custom build housing.

- 7.15 The applicant has been entered onto the Ribble Valley Self-build and Custom Housebuilding Register.
- 7.16 Section 2A of the self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), puts local planning authorities under a duty to grant sufficient numbers of suitable permissions to meet demand for self-build and custom build housing within their area. The demand is measured by the number of new applicants entered on to the Self-Build Register in each base period; and that number must be matched by new suitable permissions granted within 3 years of the end of each relevant base period. Section 2 of the Act requires the Council to have regards to the Register when making decisions on planning applications.
- 7.17 The National Planning Practice Guidance explains at paragraph 016 of the section on self-build and custom housebuilding in considering whether a home is a self-build or custom-building home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into design and layout from the buyer, are not considered to meet the definition of self-build and custom housing. The applicant is willing to enter into a section 106 agreement to ensure that the proposed dwelling meets the definition of self-build and custom housing.
- 7.18 The Council has acknowledged that at the end of the base period ending October 2021 only one unit of self-build secured by a legal agreement was granted planning permission leaving a shortfall of 15 units. At the end of the base period in October 2022 the unmet requirement rose to 29 units.

7.19 The Inspectors' decisions for a proposed self-build dwellings at Wiswell (APP/T2350/W/18/31210850) in 2018, Kingsmill Avenue, Whalley (APP/T2350)/W/19/3236414) in 2020 and (APP/T2350/W/22/3304074) Daniels's Farm, Longridge in 2023 all concluded that the development plan policies on the location of housing are out-of-date because they do not take into account the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Inspectors stated that in these circumstances, for decision taking, Framework paragraph 11d) applies.

Paragraph 11d of the National Planning Policy Framework states:

*"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

7.20 The proposed development of the site for one self-build unit would make a positive contribution to the Borough housing supply, meeting a need for self-build and custom building plots. In this respect it would also meet the requirement of paragraph 62 of the Framework which states in relation to local housing need:

*"62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."*

7.21 The proposed dwelling will be constructed using local builders and tradespersons contributing positively to the local economy and jobs. This will have a positive social and economic benefits during the construction phase in line with the overarching sustainable development objectives of the Framework in paragraph 8.

7.22 Paragraph 79 of the Framework encourages sustainable development in rural areas. The development of the site for one dwelling will contribute positively to the vitality of Salesbury and Wilpshire and support local services.

7.23 The development of the site for one self-build dwelling relates to the existing built form along Ribchester Road and will not look out of place in this context the development will have not encroach into the surrounding landscape in accordance with 174b) of the Framework.

7.24 On this basis it is our view that the benefits of providing a self-build dwelling this site, which is in a sustainable location, with access to public transport, and local services including a primary school outweighs the minor harm in relation to its location just beyond the settlement boundary of Wilpshire when assessed against the policies of the Framework as a whole.

## **8 CONCLUSION**

8.1 There is no relevant development plan policies relating to self-build and custom build housing. Therefore paragraph 11d) of the framework is engaged and permission should, be granted unless and adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole

8.2 Section 2A of the self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), puts local planning authorities under a duty to grant sufficient numbers of suitable permissions to meet demand for self-build and custom build housing within their area. There is a current unmet need for 29 self-build units. The proposed development of the site for one self-build unit would make a positive contribution to the Borough's legal requirements of the 2015 Act which are now urgently needed. In this respect it would also meet the requirement of paragraph 62 of the Framework through providing housing for different groups within the community.

8.3 The site is close to the settlement boundary of Wilpshire a tier 1 settlement . The site is sustainably located close to local facilities in Salesbury and Wilpshire. The site is of a sufficient size to accommodate one dwelling and relates well to the existing development on this part of Ribchester Road. The site is capable of development without significant adverse impact on the quality of the landscape or the residential amenities of the adjacent. The planning balance of the provision of much need self-build housing outweighs the conflicts with the housing location policies of the Core Strategy.

### Appendix

Highways Pre-application advice dated 22<sup>nd</sup> September 2022.