


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	SK	Date:	18.06.25	Manager:	LH	Date:	19.6.25
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Application Ref:	2025/0414			 Ribble Valley Borough Council <hr/> www.ribblevalley.gov.uk
Date Inspected:	4.6.25	Site Notice:	4.6.25	
Officer:	Stephen Kilmartin			
DELEGATED ITEM FILE REPORT:				PERMISSION IN PRINCIPLE REFUSAL

Development Description:	Permission in Principle for proposed residential development of up to nine dwellings.
Site Address/Location:	Land to the South of Old Road Chatburn

CONSULTATIONS:	Parish/Town Council
<p>Chatburn Parish Council are objecting to the proposal on the following grounds:</p> <ul style="list-style-type: none">• The proposed site is outside the Chatburn village Settlement Boundary in open countryside.• The entrance to the proposed site is on Old Road, Chatburn. The Council feel that Old Road is unsuitable to be used for another proposed housing estate.• Chatburn's allocation of projected housing numbers within the Ribble Valley Borough Council Core Strategy has already been exceeded by 130%.• The Parish Council also agreed that the proposed site would have a negative impact on properties on Crow Trees Brow, Chatburn, with the site overlooking and into houses, reducing privacy to existing residents.	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
<p>The Local Highways Authority have raised no objection to the proposal stating the following:</p> <p>Site Access: <i>The LHA are aware that the site will be accessed off Chatburn Old Road which is an unclassified road subject to a 30mph speed limit.</i></p> <p><i>Should the proposal be permitted, as part of the technical details, the LHA would expect the new access to provide visibility splays of 2.4m x 43m to the right of the access. Usually, the LHA would require the visibility splays of 2.4m x 43m in both directions, however the LHA is aware that the highway ends approximately 35m to the left of the access.</i></p> <p><i>Therefore, the LHA will accept the maximum visibility the access can provide to the left of the access. The new access should be a minimum of 6m wide and be provided with a kerb radius which should be supported by a swept path analysis drawing showing a refuse vehicle entering and exiting the site. The swept path analysis drawing will allow the LHA to assess whether the access width is adequate for a refuse vehicle and also show that two movements can occur when a large vehicle is using the access.</i></p> <p><i>Any future new access will need to be constructed as part of an appropriate legal agreement with Lancashire County Council as Highway Authority prior to the start of any development.</i></p> <p>Off-site Highway Works:</p>	

Should the proposal be permitted, when technical details are submitted the LHA will require a number of Off-Site Highway improvements to be made which will support the intensification of the use of the site. The LHA will request that a number of Traffic Regulation Orders (TRO) are provided at the junction between Crow Trees Brow and Ribble Lane; junction between Ribble Lane and Old Road; and along Old Road.

The LHA inform the reader that these requirements are subject to change, following agreements with the LHAs Traffics team and following a public consultation where the locations of these TROs will be identified. But these requests are required for highway safety reasons.

The site will also benefit from a street lighting scheme for the existing street lighting to continue up to the access point which will improve road safety, especially for those using the route to walk, as there is a lack of pedestrian facilities along Old Road. Further mitigation may be required to support highway safety, subject to further information at the technical detail stage.

Internal Layout:

Should the application be granted, at the technical details stage, the LHA would expect the carriageway throughout the site to measure 5.5m wide and have 2m wide footways either side. This should be consistent throughout the site and in line with inclusive mobility guidance.

To ensure that the minimum width of the carriageway and the layout is adequate, a swept path analysis drawing showing a refuse vehicle using the internal layout is required. The drawing should also show how the refuse vehicle turns within the site to exit the site in a forward gear. To ensure speeds along the internal road do not exceed 20mph, the LHA will require some form of traffic calming, for example speed tables to be used. The distance between each speed calming feature should not exceed 80m.

Lancashire County Council has a detailed Estate Road Specification guidance that outlines the design criteria for estate roads and expects all developments to be built to these standards, even if they are to remain private. The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the LHAs guidance.

Parking:

Should the application be granted, at the technical details stage, the LHA would expect the proposed development to comply with the LHAs parking guidance as defined in the Joint Lancashire Structure Plan. The LHA expect private drives to have a minimum width of 3.2m where they are used for vehicular access and pedestrian access to a property and have the minimum dimensions for a standard off-road parking bay which is 2.4m wide by 5m long. Where the parking bays are adjacent to walls, fences and similar obstructions, it is recommended that the drives have a minimum clear width of 0.6m, to provide additional room to open the doors. The LHA would also remind the applicant that the recommended minimum internal single garage size to be 6x3m and this includes integral garages. Where garages are smaller than the recommended minimum internal dimension of 6 x 3m they should not be count as a parking space and the applicant should provide an additional parking space for each garage affected. All new dwellings are expected to provide a universal electrical supply suitable for charging an electric motor vehicle and facilities to provide secure and covered cycle storage.

Sustainable Transport:

The LHA are aware that the site's closest bus stop is located along Ribble Lane, which is approximately 300m away from the sites access. The bus stop serves hourly services to Clitheroe, Nelson and other smaller settlements including Waddington, West Bradford, Grindleton, Downham, Newchurch. The site is also located within close proximity to local shops and other amenities.

Drainage:

The applicant, if permission is granted, will be required to submit a drainage strategy as part of a future application. Consent does not give approval to a connection being made to the County Council's highway

drainage system. The applicant is further advised that the highway surface water drainage system must not be used for the storage of any waters from adoptable United Utility surface water systems or any private surface water drainage systems.

Public Right of Way:

Please note that there are Public Rights of Way's (FP0311001) through the application site which must not be obstructed during the proposed developments. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.

The applicant must be certain that they have private vehicular rights along this public path before driving on it either during construction or for subsequent access. Without private vehicular rights or permission from the owner it is a criminal offence to drive a motor vehicle on the public path.

CONSULTATIONS:

Additional Representations.

16 letters of representation have been received objecting to the proposal on the following grounds:

- Loss of privacy and direct overlooking
- Inadequate access and highways arrangements
- Environmental and religious impacts(s)
- Inadequate existing infrastructure to serve the development
- Disruption during construction phase of development
- Contrary to Core Strategy
- Impacts upon Public Right of Way
- Noise impacts

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable Development
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport & Mobility
Policy DMH3: Dwellings in the Open Countryside and AONB
Policy DMB5: Footpaths and Bridleways

National Planning Policy Framework (NPPF)

Relevant Planning History:

2022/0500:

Technical Details Consent for residential development of up to 9 dwellings following Permission in Principle application 3/2018/0582 and appeal APP/T2350/W/19/3223816. (Refused – refusal upheld at appeal)

2018/0943:

Residential development of up to nine units (resubmission of application 3/2018/0582). (Refused)

2018/0582:

Residential development of up to nine units. (Refused – appeal allowed)

2017/1052:

Consultation on LCC application LCC/2017/0087/ASP/FL for retrospective application for the importation of clean soils for use in ground stabilisation and landscaping works associated with the consented residential development.

2017/0830:

Erection of one detached dwelling on plot 8 (new house type). (Approved)

2017/0499:

Non-material amendment to planning permission 3/2016/0748 to allow the installation of two additional rooflights in the rear/south-east facing roof elevation of Plot 3. (Approved)

2017/0010:

Discharge of condition 3 (external materials) from planning permission 3/2016/0748. (Approved)

2016/1019:

Erection of single detached dwellinghouse with garden and driveway on plot 6 (New House Type). (approved)

2016/0748:

Variation of Condition 02 (substitution of house types/designs for plots 1, 2, 3, 4, 5, 7, 8, 9 & 10, including repositioning of plots 3, 7, 9 & 10, and alteration to internal access road) and Removal of Condition 10 (un-associated condition) of planning permission 3/2014/0618 for the erection of ten dwellings. (Approved)

Residential development of up to nine units. (Refused – allowed at appeal)

2017/1052:

Consultation on LCC application LCC/2017/0087/ASP/FL for retrospective application for the importation of clean soils for use in ground stabilisation and landscaping works associated with the consented residential development. (no objections)

ASSESSMENT OF PROPOSED DEVELOPMENT:**Site Description and Surrounding Area:**

The application relates to an area of land, the majority of which is outside but adjacent the defined settlement limits of Chatburn, with the site accessed via Chatburn Old Road. The site is bounded to the north by existing residential development with residential development also bounding the site to the south-east by existing dwellings fronting Crow Trees Brow. The site is predominantly greenfield in nature with some engineering works already having been undertaken on site. The application site also falls within a 'Designated Rural Area' (Chatburn) as designated under Section 157 of the Housing Act 1985.

Public Right of Way FP13 crosses through the site from the north-western extents of the site to the eastern extents.

Proposed Development for which consent is sought:

The application seeks 'Permission in Principle' (PiP) consent for the erection of nine residential dwellings within the application site. Given the application seeks consent solely for matters pertaining to the

principle of the development, no details in respect of the proposed layout, configuration nor external appearance of the dwellings are required to be submitted for consideration at this stage.

Principle of Development:

The application seeks permission in principle for the erection of up to 9 residential dwellings with the majority of the application site being located outside of the defined settlement limits of Chatburn. As such, both policies DMH3 and DMG2 are primarily, but not solely, engaged for the purposes of assessing the compatibility of the principle of the development with the adopted development plan.

Policies DMH3 and DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and AONB to that which meets a number of explicit criterion, with Key Statement DS1 setting out the overall spatial and locational aspirations for general (including residential) development within the Borough.

Policy DMG2:

Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged in circumstances when proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

Given the majority of the application site is located outside of any defined settlement boundary, it is the secondary element of Policy DMG2 that is engaged (Policy DMG2(2)) which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes 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 developments 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.*

It is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture'.

In respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing' as defined within the Adopted Core Strategy which states that 'Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment'.

In light of the above matters, it cannot be considered that the proposal meets any of the exception criterion contained within Policy DMG2 in relation to the creation of new dwellings outside of defined settlement limits.

Policy DMH3:

Given the majority of the application site is located outside of any defined settlement limits, Policy DMH3 is also engaged in parallel and in concert with Policy DMG2. In this respect Policy DMH3 states that:

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:

- 1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
- 2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*
- 3. The rebuilding or replacement of existing dwellings [subject to a number of criteria].*

As with the inherent criterion within Policy DMG2, the proposal would fail also to meet criterion 1 of Policy DMH3 insofar in that it would not represent 'development essential for the purposes of agriculture or residential development which meets an identified local need', with the proposal also failing to meet exception criterion 2 or 3.

In light of the above it cannot be argued that the proposal meets any of the exception criterion contained within either Policies DMG2 nor DMH3 of the Ribble Valley Core Strategy in relation to the creation of new dwellings outside of defined settlement limits.

As such the proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary within the defined open countryside, without sufficient justification, in that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposed dwellings would meet any of the exception criterion inherently contained within either policy.

Other Material Matters:

It is noted that within the submitted supporting information the applicant has stated that '*the Council's latest 5 Year Supply statement, is dated April 2025 and shows a supply of 1,609 dwellings at a base date of 31 March 2024*'. With the applicant stating that '*The Council's claimed supply therefore equates to 4.94 years*'.

With the applicant further asserting that Paragraph 11(d) of the National Planning Policy Framework is engaged in that '*the Core Strategy is over 10 years old. The policies in the plan have not been reviewed to take account of changes circumstances affecting the area contrary to Paragraph 34 of the Framework*'.

In respect of the above matters, the Authority has recently published an up to date 5 Year Housing Land Supply Statement (endorsed by Planning and Development Committee on the 29th of May) which shows a 6.2 Year Housing Land Supply at a base date of 31st March 2025. In respect of the above, the authority considers it can therefore not reasonably be argued that paragraph 11(d) of the framework can be engaged insofar that the policies related to the provision of new housing are not out of date.

Impact Upon Residential Amenity:

The remit of assessment of the application is limited to solely that of the principle of the development and as to whether the proposed development would align with the spatial and locational aspirations for residential development within the borough.

As such, matters relating to the potential for adverse impact(s) upon nearby residential amenities resultant from the development, cannot be fully determined nor assessed at this stage and will be reserved for consideration/assessment at any subsequent pursuant 'Technical Matters' submission(s).

Visual Amenity/External Appearance:

The remit of assessment of the application is limited to solely that of the principle of the development and as to whether the proposed development would align with the spatial and locational aspirations for residential development within the borough.

As such, matters relating to the potential for adverse impact(s) upon the character or visual amenities of the area resultant from the development, cannot be fully determined nor assessed at this stage and will be reserved for consideration/assessment at any subsequent pursuant 'Technical Matters' submission(s).

Highways and Parking:

The Local Highways Authority have raised no objection to the proposal with the detailed assessment of the appropriateness/adequacy of any internal highways arrangement and matters relating to on-site parking provision being reserved for consideration/assessment as part of any subsequent pursuant 'Technical Matters' submission(s).

Landscape/Ecology:

No implication evident at this stage given the remit of the application relates solely to that of matters of principle. As such, should consent be granted, there will be the requirement for appropriate surveys to be undertaken (bats/nesting birds) and submitted in support of any subsequent 'Technical Matters' submission(s), to ascertain as to whether the proposal is likely to result in adverse impacts upon protected species or species of conservation concern.

Observations/Consideration of Matters Raised/Conclusion:

As such, for the above reasons and having regard to all material considerations and matters raised that the application for permission in Principle is recommended for refusal.

RECOMMENDATION:

That permission in principle consent be refused for the following reason:

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| 01: | The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of defined settlement limits, within the defined open countryside without sufficient justification. Particularly insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposed dwellings would meet any of the exception criterion inherently contained within either policy. |
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