

Statement of Case: General planning matters

For Mr Ronald Jackson | 24-530

Permission in Principle for proposed residential development of up to nine dwellings -
Land to the south of Chatburn Old Road, Chatburn, BB7 4EP

Project: 24-530
Site Address: Land to the south of Chatburn Old Road, Chatburn, BB7 4EP
Client: Mr Ronald Jackson
Date: 5 September 2025
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Contents

1.	Introduction and summary	1
2.	The appeal application	3
3.	Context	4
4.	Relevant planning history	5
5.	Policy context	8
6.	Compliance with the development plan	11
7.	The planning balance	15
8.	Summary and conclusions	22



1. Introduction and summary

- 1.1 This appeal is made on behalf of Mr Ronald Jackson against the refusal of permission in principle (reference: 3/2025/0414) by Ribble Valley Borough Council for residential development of up to 9 dwellings at land to the south of Chatburn Old Road, Chatburn.
- 1.2 The National Planning Practice Guidance (PPG) provides guidance on what matters are within the scope of a decision on whether to grant a PIP. The scope is limited to location, land use and amount of development only. Other matters, including design, ecology and highways, are considered at Technical Details Stage 2 and are not issues relevant for this Stage 1 PIP application.
- 1.3 The site is in a sustainable location in terms of accessibility to key services and public transport options. This was previously confirmed at appeal (application reference: 3/2018/0582; appeal reference: APP/T2350/W/19/3223816), where the Inspector concluded that the site is closely related to the main built-up area of Chatburn and only a modest walk from the services and facilities at the foot of Chatburn Old Road.
- 1.4 The proposed scheme is for up to 9 dwellings. The detailed design and housing mix would be secured at the Technical Details Stage 2 application stage through appropriately worded planning conditions and/or planning obligation. The scheme would deliver housing in a sustainable location.
- 1.5 This statement should be read together with the Appellant's Statement of Case on Five Year Housing Land Supply (5YHLS) also prepared by Emery Planning and the separate set of appendices which relates to both documents.
- 1.6 This statement is structured under following chapters:
 2. The appeal application
 3. The appeal site
 4. Planning history
 5. Planning policy context
 6. Compliance with the development plan
 7. The tilted planning balance
 8. Summary and conclusions



- 1.7 We set out through this Statement that although the proposals would conflict with the development plan in that the site lies within the open countryside adjoining but beyond the settlement boundary of Chatburn, there are other material considerations in this case that attract significant weight in the decision-making process.
- 1.8 Notwithstanding this, the tilted balance is engaged as the council cannot demonstrate a five year deliverable supply of housing as set out in the Appellant's statement of case on 5YHLS and the policies which are most important for determining the application are out-of-date. The adverse impacts of the proposal would not significantly and demonstrably outweigh the substantial benefits of the proposal. Therefore, in accordance with paragraph 11(d) of the Framework planning permission should be granted. In addition, even in the scenario whereby the tilted balance is not engaged, the circumstances of the case and the material considerations indicate that a positive decision can be reached other than in accordance with the development plan.



2. The appeal application

- 2.1 The appeal application sought permission in principle for up to 9 dwellings on land to the south of Chatburn Old Road, Chatburn. The application was submitted on 23rd May 2025 and comprised the completed application form, location plan and planning statement.
- 2.2 16 letters of objection were made to the application and one objection was received from the Parish Council. These are summarised in the officer's delegated report attached at Appendix **EP1**.
- 2.3 Although a matter for the technical details stage, the Local Highways Authority raised no objection.
- 2.4 The delegated officer's report makes the following points:
- As the site is located outside of the defined settlement boundary, it is the secondary element of Policy DMG2 that is engaged. The proposal does not meet any of the exception criterion contained within Policy DMG2 in relation to the creation of new dwellings outside of defined settlement limits.
 - Policy DMH3 is engaged in parallel with Policy DMG2. The proposal would not meet any of the exceptions set out in Policy DMH3.
 - The council has recently published an up to date 5 year housing land supply statement dated 29th May 2025 which shows a 6.2 year housing land supply at a base date of 31st March 2025.
 - The authority considers that it cannot be argued that paragraph 11 (d) of the Framework can be engaged insofar as the policies relating to the provision of new housing are not out of date.
- 2.5 The application was refused on 19th June 2025 under delegated powers for a single reason as follows:

"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".



3. Context

Site location and description

- 3.1 The 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.
- 3.2 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.
- 3.3 The 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, public houses, a library, butchers, hairdressers, florist and an ice-cream shop in Chatburn, which are all within walking distance of the application 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:



4. Relevant planning history

The site

- 4.1 Part of the site was included within the area of a site to the north which 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 11th June 2015 on a site with a slightly different boundary, which excludes the appeal site (LPA ref: 3/2014/0618). Amendments to the scheme were later approved on 14th October 2016 via a Section 73 application (LPA ref. 3/2016/0748) and it is that permission, which has been implemented.
- 4.2 An application for permission in principle (3/2018/0582) for up to 9 dwellings on the site was recommended for approval but refused on 7th September 2018. It was allowed on appeal on 23rd January 2020 (appeal reference: APP/T2350/W/19/3223816). Permission in principle was granted for up to 9 dwellings on the site at appeal on 23rd January 2020. The Inspector noted that:
- The site lies outside, but adjoining the settlement boundary of Chatburn. As part of the Housing and Economic Development Plan Document the Council proposed to adjust the settlement boundary for Chatburn, primarily in relation to Chatburn Old Road to bring the on-going residential development on land to the north of the appeal site within the settlement boundary. The effect of this realignment is also to bring a small portion of the appeal site within Chatburn's settlement boundary. What it also does is ensure that the majority of the appeal site's northern boundary adjoins the settlement boundary in addition to the staggered line of the settlement boundary around the site's eastern and south eastern perimeter (paragraph 6).
 - Policy DS1 directs development to the Principal Settlements and Tier 1 settlements such as Chatburn (paragraph 7).
 - The appeal proposal would adjoin the Chatburn settlement boundary as it follows existing residential development fronting both Chatburn Old Road and Crow Trees Brow. A development of the scale proposed would be broadly consistent with Chatburn's role as a tier 1 settlement (paragraph 11).
 - The appeal proposal is well related in physical terms to the existing built form of Chatburn in the sense that the site backs onto existing housing on Crow Trees Brow. It also adjoins established housing on Chatburn Old Road and largely encircles recently constructed housing development. It is no more 'on a limb' than existing housing, is well related in physical and visual terms to existing housing and is only a modest walk from the services and facilities at the foot of Chatburn Old Road (paragraph 14).



- 4.3 A copy of the committee report for the application and the appeal decision are attached at Appendix **EP2**.
- 4.4 Technical details consent (ref:3/2022/0500) was later refused on 16th June 2023 and subsequently dismissed at appeal (appeal reference APP/T2350/W/23/3333973) on 14th June 2024 for a single reason relating to the overbearing impact of one plot on an adjacent property. A copy of this appeal decision is attached at Appendix **EP3**.

The adjoining site

- 4.5 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). However, planning permission was granted and that development has been built out.

Other relevant cases

- 4.6 The planning application for land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, is of relevance with regard to the interpretation of Policy DMG2 and DMH3 and post-dates the appeal decision for this site referred to above.
- 4.7 Planning permission was granted at appeal for the construction of 39 dwellings on land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe. The local planning authority successfully challenged this decision (*Ribble Valley Borough Council v the SoS for Housing Communities and Local Government and Oakmere Homes (NW) Limited*) [2021] EWHC 3092 (Admin)).
- 4.8 The appeal was reconsidered (APP/T2350/W/20/3253310) and was dismissed in August 2022. Key paragraphs from the Inspector's report are below:

11. In quashing the original appeal decision, the High Court held that 'in' the principal settlements means proposals falling within the settlement boundary, and that this requirement should first be met before considering whether the proposal would consolidate, expand or round-off development.' The main parties to the appeal now agree with this interpretation of the policy. Therefore, whilst I have had regard to previous appeals where a more permissive interpretation of the policy has been taken, such as at Henthorn Road¹ and Chatburn Old Road², and where the glossary definitions of 'consolidation', 'expansion' and 'rounding off' have been debated, it is clear following the judgement of the court that as the site falls outside of the settlement boundary of Clitheroe, this first part of Policy DMG2 is not applicable to the proposal.

12. The policy goes on to state that in Tier 2 villages and outside the defined settlement areas, development must meet at least one of six considerations; it should be essential to the local economy or social well-being of the area; needed for the purposes of forestry or agriculture; for local needs housing which meets an identified need; small



scale tourism or recreational developments; for small scale uses appropriate to a rural area where a local need or benefit can be demonstrated; or development compatible with the enterprise zone designation. The appellant does not argue that the proposal would fall under any of these categories.

13. Policy DMG2 further sets out 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, landscape and siting. The Council does not oppose the proposal in terms of its landscape impact or overall design. However, the proposal would still conflict with Policy DMG2 in terms of the location of the development outside of the settlement boundary of Clitheroe.

(our emphasis)

- 4.9 A copy of *Ribble Valley Borough Council v the SoS for Housing Communities and Local Government and Oakmere Homes (NW) Limited* [2021] EWHC 3092 (Admin)) is attached at Appendix **EP4** and the reconsidered appeal at Appendix **EP5**.
- 4.10 The case presented by the Appellant in the case of this appeal is that it is accepted that there is conflict with policies DMG2 and DMH3. However, there are other material considerations to be taken into account in respect of the appeal application.



5. 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. 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.

Core Strategy

5.3 The following policies are referred to on the decision notice:

- Key Statement DMG2: Strategic Considerations
- Key Statement DMH3: Dwellings in the Open Countryside and AONB

5.4 Other relevant policies comprise:

- Key Statement DS1: Development Strategy
- Key Statement DS2: Sustainable Development
- Key Statement H1: Housing Provision

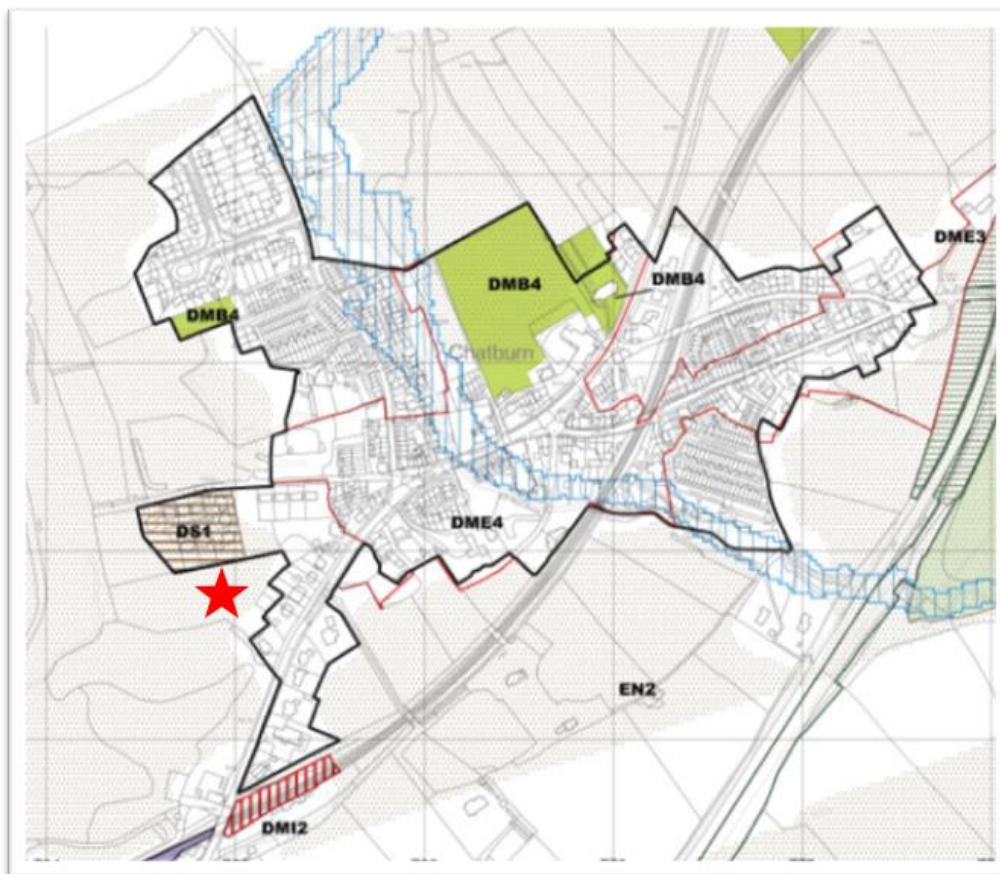
5.5 The above policies are enclosed at Appendix **EP6**.

Housing and Economic Development DPD

5.6 The Housing and Economic Development Plan Document sets out the key housing and economic issues including housing and economic land allocations, town centre policies and settlement boundaries. It confirms that Chatburn is a Tier 1 village and allocates 14 hectares of land for residential development across 7 sites.

5.7 The adopted proposals map shows that the site is located outside of, but adjoining the settlement boundary for Chatburn as shown on the extract below:





National Planning policy and guidance

National Planning Policy Framework (The Framework) (2024)

- 5.8 The Framework was originally published in 2012. It was updated in July 2018, February 2019, July 2021, September 2023, December 2023 and most recently in December 2024 (with minor updates on 7th February 2025).
- 5.9 The main chapters of The Framework which are relevant to this PIP application are as follows: -
- Chapter 2: Achieving sustainable development.
 - Chapter 4: Decision-making
 - Chapter 5. Delivering a sufficient supply of homes.
 - Chapter 11: Making effective use of land.



National Planning Practice Guidance (the PPG)

- 5.8 The PPG was originally published in March 2014 and has since been updated.

Other material considerations

Written Ministerial Statement (WMS) 30 July 2024

- 5.10 The Government published a WMS on 30 July 2024 alongside its consultation on changes to the Framework. The WMS has the effect of Government policy and is therefore a material consideration in planning decisions (*Cala Homes (South) Ltd v Secretary of State [2011] EWCA Civ 639*).
- 5.11 The WMS states: **“There is no time to waste. It is time to get on with building 1.5 million homes”**.

Letter from the Deputy Prime Minister to local authorities: “Playing your part in building the homes we need”

- 5.12 Following the WMS, the Deputy Prime Minister wrote to local authorities in a letter dated 30th July 2024. The letter outlines a number of changes the government will make to achieve the delivery of additional housing.

Chancellor’s Statement 8 July 2024

- 5.13 The Chancellor’s first statement sets out how the new Government is going to achieve its manifesto pledge to deliver economic growth. As a statement from the Government this is capable of being a material consideration. The Chancellor stated that *“Growth... is now our national mission.”*

Emerging development plan

- 5.14 The timetable for the preparation of the new plan is set out in the statement of case on five year housing land supply.

Housing Land Supply

- 5.15 We refer to the Statement of Case on the five year housing land supply in the Ribble Valley.



6. Compliance with the development plan

- 6.1 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.
- 6.2 The site is identified on the adopted proposals map as being located adjacent to, but outside the defined settlement of Chatburn and is designated as open countryside.
- 6.3 The reason for refusal relates to the site's location outside the settlement boundary of Chatburn and alleges conflict with Core Strategy Policies DMG2: Strategic considerations and DMH3: Dwellings in the open countryside and AONB.
- 6.4 The development of this site for residential purposes would conflict with the development plan in that it lies within the open countryside adjoining but beyond the settlement boundary of Chatburn, contrary to Policy DMG2 and DMH3. Furthermore, the proposal would not fall within any of the exceptions categories set out in Policy DMG2 or Policy DMH3. This conclusion is consistent with those reached in *Ribble Valley Borough Council v the Secretary of State for Housing Communities and Local Government and Oakmere Homes [2021] EWHC 3092 (Admin)* and the associated redetermined appeal (3253310) dated 10th June 2022 as set out above.
- 6.5 However, there are other material considerations in this case that attract significant weight in the decision-making process and these are set out below.

Delivery of housing

- 6.6 Paragraph 61 of the Framework sets out the Government's objective of "*significantly boosting the supply of homes*". It is well established that the delivery of homes, at a time of a national housing crisis, can be given significant weight, even in cases where a Council can demonstrate a five-year housing land supply.
- 6.7 There have been a number of appeal decisions where the Secretary of State and Inspectors have given significant weight to the delivery of housing on unallocated sites even though the Council can demonstrate a five-year housing land supply.
- 6.8 For example, the Secretary of State allowed an appeal for a mixed-use development including up to 189 dwellings at Audlem Road/Broad Lane, Stepeley, Nantwich and Peter De Stapeleigh Way, Nantwich on 15 July 2020 (PINS refs: APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529 attached at Appendix **EP7**). The site was designated as open countryside, and the Secretary of State found that that the proposed



development conflicted with the development plan, and furthermore that the Council could demonstrate a five-year housing land supply. However, the appeal was allowed, with the Secretary of State identifying that significant weight should be afforded to the provision of market housing in a sustainable location. Paragraph 28 of the decision letter states:

“For the reasons given in IR414 and IR420 the Secretary of State agrees with the Inspector that the delivery of significant numbers of market housing in a sustainable location is a significant benefit. Whilst the Secretary of State has concluded that the Council can demonstrate a 5 YHLS, he has taken into account that nationally it is a government policy imperative to boost the supply of housing, as set out at paragraph 59 of the Framework¹, and he considers that this benefit should be afforded significant weight.” (my emphasis)

- 6.9 An appeal was allowed on 1 March 2021 for a scheme of up to 55 dwellings at land off Crewe Road, Winterley, Cheshire East (PINS ref: APP/R0660/W/20/3251104 attached at Appendix **EP8**). In granting planning permission for residential development on an unallocated site designated as open countryside, the Inspector gave significant weight to the provision of market housing in a sustainable location (paragraph 62), despite the Council being able to demonstrate a five-year supply.
- 6.10 A further example is appeal reference APP/M1005/W/24/3343782 relating to a site at Chesterfield Road, Alfreton, Amber Valley allowed on 9th December 2024 (attached at Appendix **EP9**). The application relates to an outline application for the erection of up to 177 dwellings and associated infrastructure outside the settlement boundary. In the planning balance section, the Inspector concluded as follows:

125. It is undisputed that Amber Valley Borough has more than four years supply of deliverable housing sites, which for the purposes of my decision I take to be around 8.7 years supply. That said, and within the context of the most acute national housing crisis in living memory⁹, four-year supply is a floor not a ceiling. Also, provision of new affordable housing is an important matter in Amber Valley Borough, which has a notable need for affordable housing. This local need for affordable housing is further indicated by the presence of more than 2,000 households on the Council’s Housing Register, of who more than 1,400 are in overcrowded or unsuitable accommodation, and more than 300 specify Alfreton as their preferred location.

135. The Council has a current lack of a plan-based strategy for the delivery of housing. Within this context, in applying a more restrictive approach to major residential development outside the built framework of settlements, saved LP Policies EN1 and H5 are inconsistent with the Framework.

¹ Now paragraph 61



- 6.11 There is nothing within the above decisions to indicate that the weight to be attributed to the delivery of housing should be anything less than significant, even if the Council can demonstrate a five-year supply. Furthermore, two of these decisions predate the Secretary of State's WMS of 30 July 2024 and the consultation on the revised Framework, which we discuss below. The third decision was issued prior to the publication of the December 2024 Framework but the WMS is given significant weight in the decision.
- 6.12 The Written Ministerial Statement "Building the homes we need" , the letter from the Deputy Prime Minister to local authorities entitled "Playing your part in building the homes we need" both dated 30th July 2024 and the Chancellors Statement of 8th July 2024 are all material considerations that weight in support of the grant of planning permission.
- 6.13 In summary, the delivery of housing is a material consideration that should be afforded significant weight in the decision-making process.

Delivery of housing in a suitable location

- 6.14 The second material consideration is the delivery of housing on a site in a sustainable location that is well related to the existing settlement.
- 6.15 Key Statement DS1 of the Core Strategy: "Development Strategy" directs the majority of housing development to the strategic site at Standen and principal settlements of Clitheroe, Longridge and Whalley. In addition, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements. Chatburn is a Tier 1 Village.
- 6.16 The site adjoins and is well related to the main built-up area of Chatburn and existing development. It is well contained, being enclosed by Lanehead Quarry and protected trees to the west, woodland to the south and residential development to the north and east.
- 6.17 It is in a relatively accessible location close to the services and facilities in Chatburn. The proposals would provide limited growth at a scale and inkeeping with the existing urban area and would not represent the provision of isolated new homes in the countryside.
- 6.18 The site is not subject to any specific landscape designation. This site is enclosed by built form and does not comprise an 'open landscape'.
- 6.19 The parcel of land is entirely enclosed making it unsuitable for modern day agriculture. It does not form part of the functional open countryside. There are no significant views into or out of the site and a residential development would be viewed in the context of the surrounding development including housing development immediately adjacent to the site and the well-defined and natural boundaries.



6.20 In determining the PIP application in 2019 the planning officer set out in the committee report (see **EP2**) that:

“5.4.5 It is not disputed that in terms of proximity to services, the site could be deemed to be a sustainable location. The provision of up to 9 dwellings on the edge of the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the Tier 1 settlements. Therefore, it is confirmed that the proposal would not harm the settlement strategy”.

5.4.10 ...The development site is particularly well-contained, being bordered by Lanehead Quarry to the west, protected trees which skirt the site to the west and south and existing development to the east”.

6.21 The above comments have been confirmed by the appeal Inspector dealing with the allowed appeal (reference APP/T2350/W/19/3223816 attached at **EP2**) in 2020 as set out in the summary of the decision provided in section 4 of this statement.

Summary

6.22 The proposals would conflict with Policies DMG2 and DMH3 of the Core Strategy and would not be in accordance with the development plan. There are however, other material considerations that attract significant weight in the decision making process. Having regard to the material considerations, there would be very limited, if any, tangible harm which arises as a result of the technical breach of policy. The weight to be attached to the conflict with open countryside policy is limited given the circumstances of this case and this conclusion is consistent with comparable cases elsewhere.

6.23 The other benefits of the scheme, namely provision of affordable housing and economic benefits, that would also weigh in favour of the grant of planning permission, are assessed below in relation to the tilted balance.



7. The planning balance

- 7.1 Paragraph 11 of the Framework states that applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay; or:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.”

- 7.2 Key Statement DS2 of the Core Strategy also states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessment against the policies in the Framework taken as a whole or whether specific policies in the Framework indicate that development should be restricted.

Footnote 7

- 7.3 The protected assets or assets of particular importance as defined in footnote (7) are listed as SSSI, Green Belt, Local Green Space, National Landscape, National Park, Heritage Coast, irreplaceable habitats or designated heritage assets. There are no protected assets or assets of particular importance within or adjacent to the site.

Footnote 8

- 7.4 Footnote 8 of The Framework clarifies that the most important policies will be considered out-of-date in circumstances where the LPA cannot demonstrate a five-year supply:

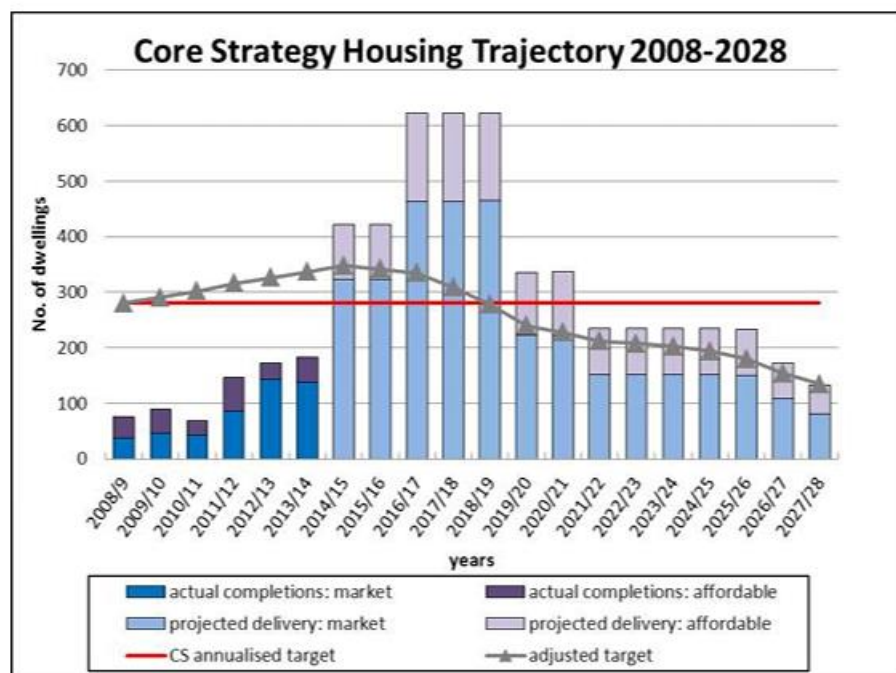
“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78)”



7.5 The Council's position is that it has a 6.2 years supply of housing. The Appellant sets out in the 5YHLS statement of case that the supply is 3.23 years.

7.6 In addition to this the development plan policies which are most important for determining the application are out-of-date for the following reasons:

1. The Core Strategy is over 10 years old. The policies in the plan have not been reviewed to take account of change in circumstances affecting the area contrary to paragraph 34 of the Framework.
2. The housing requirement of 280 dwellings per annum is lower than the local housing need requirement of 310 per annum based on the December 2024 standard method.
3. Appendix 2 of the Core Strategy (p178) includes a housing trajectory setting out expected rates of delivery of market and affordable housing for the plan period based on information as of 31st March 2014. The trajectory (shown below) illustrates that the expected rates of delivery from 2025/26 to 2027/28 are lower than the council's local housing need. There is just three years remaining of the plan period and no plan based strategy for the provision of housing.



7.7 In the absence of a five-year supply and a plan-based strategy for the delivery of housing, the policies setting the settlement and open countryside boundaries as they relate to the settlement of Chatburn must also be out of date. Those boundaries do not reflect the pattern of development on the ground, with the site now being almost entirely surrounded by residential development and not forming a functional part of the open countryside.



7.8 In summary, the current development plan policies which are most important for determining the application are out-of-date. The tilted balance should therefore apply irrespective of the housing land supply position.

Benefits

7.9 The benefits of the scheme are as follows:

Delivery of market housing in a sustainable location

7.10 Drawing the above evidence set out above together:

- There is a national and local housing crisis.
- Nationally it is a government policy imperative to boost the supply of housing, such that the Secretary of State has given significant weight to the delivery of housing even in circumstances where a Council can demonstrate a five-year housing land supply.
- The Government's recent statements in relation to housing and planning only increase the weight that needs to be attached to the delivery of housing.
- This site has previously been assessed for housing development and been found to be a suitable location.
- The delivery of housing on this site would contribute to the achievement of policy objectives in respect of Chatburn, and the achievement of a key part of the spatial strategy. The site is in accessible location on the edge of a Tier 1 village. The scale of development proposed is appropriate to the settlement. It is an entirely logical location to provide new housing in the context of the national housing crisis.

7.11 The delivery of market housing on this site should be given substantial positive weight in the planning balance.

Provision of affordable housing

7.12 Although this is a matter for technical details stage, the proposal would contribute towards meeting the need for affordable housing.

7.13 The provision of affordable housing to meet the needs of households in need of an affordable home should be afforded substantial positive weight in the planning balance.

Economic benefits

7.14 Paragraph 85 of the Framework states:



“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

- 7.15 Notwithstanding the existing clear support in national policy for economic growth, the new Government has made delivering a huge upturn in economic growth central to its strategy and has made it clear that it is essential to improving the prosperity of the country and the living standards of working people. In the Chancellor’s first speech of 8th July 2024 she stated that the planning system must be reformed to deliver economic growth.
- 7.16 The Government’s policy is to positively drive economic growth, and to ensure that it reaches all communities, without delay. This underpins the Government’s entire economic strategy. Therefore, this must be a key consideration when determining the weight to attach to the economic benefits in planning decisions, just as the Secretary of State will make it a central consideration when she intervenes in planning applications.
- 7.17 The proposed development would result in a number of economic benefits. During the build period, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers. The proposed development would provide homes for the district’s workforce, and once occupied the residents of the proposed scheme would spend money within Chatburn and other parts of the district.
- 7.18 Emery Planning is an Associate member of the House Builders Federation (HBF), and it is possible to quantify the estimated economic benefits of the proposed development via the HBF Housing Calculator (as updated in September 2024). Based on a maximum of 9 dwellings, the benefits can be summarised as follows:
- During the construction phase, the proposed development would result in 10 person-years of direct employment, and a further 12 person-years indirect and induced employment (further jobs supported in the wider economy in house building supply chains and by spending amongst direct and supply chain employees on goods and services).
 - During occupation of the dwellings, there would be an increase in resident expenditure of approximately £254,999 per annum, a significant proportion of which would be spent in local shops, services and amenities.
- 7.19 A copy of the HBF calculator results is provided at Appendix **EP32**.



- 7.20 In light of national policy and the Government’s unequivocal statements in respect of economic growth, the economic benefits of the proposed development should attract moderate positive weight in the planning balance.

Adverse impacts

Conflict with the development plan

- 7.21 The local planning authority have alleged no adverse impacts other than the site is situated outside the settlement boundary.
- 7.22 Whilst there is conflict with the development plan in terms of the policies that restrict development of housing on land designated as open countryside beyond the existing settlement boundaries, these policies are out-of-date in accordance with paragraph 11 of the Framework.
- 7.23 The Courts have made clear that the weight to be afforded to an out-of-date policy in the context of a housing land supply shortfall is a matter for the decision maker on the merits of the particular case, having regard to factors such as the extent of the shortfall, and the prospect of development coming forward soon to make up that shortfall. The Crane Judgment sets out at paragraphs 70 & 71:

“The decision-maker is left to judge, in the particular circumstances of the case before him, how much weight should be given to conflict with a plan whose policies for the supply of housing are out of date. This is not a matter of law; it is a matter of planning judgment.

However, the weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, or could it be, fixed in the case law of the Planning Court. It will vary according to the circumstances, including, for example, the extent to which the policies actually fall short of providing for the required five-year supply, and the prospect of development soon coming forward to make up the shortfall.”

- 7.24 In this case, Policies DMG2 and DMH2 serve to restrict the supply of housing land outside of the settlement boundaries. The policies provide a blanket restriction to any residential development (aside from limited forms of development that would be accepted in a rural area, such as rural workers dwellings or affordable housing exception sites). Having regard to the age of the relevant policies, and the circumstances of this site being a self-contained site, in a sustainable location on the edge of a Tier 1 village, the weight to be given to conflict with open countryside policy should only be given limited weight in the tilted planning balance.



Footnote 9 considerations

7.25 Paragraph 11(d) of the revised Framework requires particular regard to be had to key policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 clarifies that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12. Addressing these matters in turn:

- **Affordable housing (paragraph 66):** The proposal would provide for the LPA's requested level of affordable housing at the technical details stage
- **Sequential test (paragraph 91):** This is not applicable to the proposed development.
- **Accessibility (paragraphs 84, 110 and 115):** The proposal would not result in isolated homes in the countryside for the purpose of paragraph 84 of the Framework. The site is in an accessible location close to local services and existing public transport links. It is entirely consistent with paragraphs 110 and 115 of the Framework.
- **Making effective use of land (paragraph 129):** A well-designed scheme can be delivered at technical details stage which makes effective use of land, having regard to the site's location, its characteristics and the wider area. The proposal is consistent with paragraph 129 of the Framework.
- **Design (paragraphs 135 & 139):** A well designed scheme will be delivered at the technical details stage having regard to local design policies and government guidance on design.

Other matters

7.26 Other technical matters will be addressed at the technical details stage. The sole reason for the dismissal of the previous technical details appeal in 2024 was due to overbearing impact on one adjacent dwelling, this can be addressed through an amendment to one plot. Subject to mitigation and the application of conditions where necessary, there would be no unacceptable negative impacts of the proposed development, and therefore these matters do not attract any weight (positive or negative) in the planning balance.

Planning balance: conclusion

7.27 Taking all of the above into account, the adverse impacts would not significantly and demonstrably outweigh the substantial benefits of the proposal. Therefore, in accordance with paragraph 11(d) of the Framework planning permission should be granted.



7.28 Notwithstanding the above, even in the scenario whereby the tilted balance is not engaged, the circumstances of the case and the material considerations indicate that a positive decision can be reached other than in accordance with the development plan.



8. Summary and conclusions

- 8.1 This appeal is made on behalf of Mr Ronald Jackson against the refusal of permission in principle (reference: 3/2025/0414) by Ribble Valley Borough Council for residential development of up to 9 dwellings at land to the south of Chatburn Old Road, Chatburn.
- 8.2 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.
- 8.3 The development of this site for residential purposes would conflict with the development plan in that it lies within the open countryside adjoining but beyond the settlement boundary of Chatburn, contrary to Policies DMG2 and DMH3 of the Core Strategy.
- 8.4 There are however, other material considerations that attract significant weight in the decision making process. These material considerations are the delivery of housing (notwithstanding the Council's claimed five-year housing land supply position) and the suitability of this site for development. Having regard to the material considerations, there would be very limited, if any, tangible harm which arises as a result of the technical breach of policy. The weight to be attached to the conflict with open countryside policy is limited given the circumstances of this case and this conclusion is consistent with comparable cases elsewhere.
- 8.5 Notwithstanding this, having regard to paragraph 11(d) of the Framework, the tilted balance is engaged as a result of the lack of a five-year land supply and also by virtue of the absence of a plan based strategy for the delivery of housing meaning that the current development plan policies which are most important for determining the application are out-of-date. Therefore planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6 In summary, the benefits of this development are as follows:
- The delivery of new housing in a sustainable location on land well related to a Tier 1 settlement. **Substantial positive weight** is attached to this benefit.
 - Delivery of affordable housing to meet levels of unmet need. **Substantial positive weight** is attached to this benefit.
 - Economic benefits in the form of direct and indirect employment opportunities during construction and throughout the lifetime of the development through increased household spending in the local area. **Moderate positive weight** is attached to this benefit.



- 8.7 Turning to adverse impacts, these are limited to conflict with development plan policies that restrict the development of sites beyond settlement boundaries. This should be afforded **limited weight** given the lack of a plan based strategy for the delivery of housing and the inevitable need to bring forward sites beyond the existing settlement boundaries in the near future.
- 8.8 Taking all of the above into account, the adverse impacts would not significantly and demonstrably outweigh the very substantial benefits of the application proposal. Therefore, in accordance with paragraph 11(d) of the Framework, planning permission should be granted.
- 8.9 In addition and notwithstanding the above proposition, even in a scenario in which the titled balance is not engaged, material considerations demonstrated in this case indicate that planning permission should be granted despite the conflict with the development plan.



