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planning

The Warren Hurst Green Clitheroe BB7 9QH

Permission in Principle for the erection of a minimum of 1 and a maximum of 3 dwellings.

Prepared for:
OCBS Ltd

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The
1908
Group

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/1 INTRODUCTION

1.1.1. PWA Planning has been appointed by OCBS Ltd ('the Applicant') to submit a Stage 1: Permission in Principle (PiP) application for a minimum of 1 and a maximum of 3 dwellings on land at The Warren, Warren Fold, Hurst Green ('the site').

1.1.2. This Planning Statement is submitted to Ribble Valley Borough Council ('the Local Planning Authority' or 'LPA') and justifies the proposed development by assessing it against the adopted Development Plan and other material considerations. Importantly, it demonstrates how the proposed development aligns with the National Planning Policy Framework (NPPF), specifically in the context of the Council's current, severe housing land supply deficit.

1.2. The Strategic Context and the 2022 Refusal

1.2.1. It is a matter of factual record that outline applications for residential bungalows on this site were refused in September 2022 (Ref: 3/2022/0469) and most recently in December 2023 (Ref: 3/2023/0671). Both refusals were explicitly predicated on a conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy, as the site was located outside the defined settlement boundary and the Council believed it had a robust housing supply at those times.

1.2.2. However, the planning policy landscape has fundamentally and irrevocably shifted since those decisions. Following the January 2026 appeal decision at Chatburn Old Road (APP/T2350/W/25/3372635) (attached at Appendix A), the Council's housing land supply has been confirmed at just 3.45 years. Consequently, the restrictive settlement boundary policies (DMG2 and DMH3) relied upon to refuse the 2022 and 2023 applications are now legally out-of-date and carry vastly reduced weight.

1.3. Navigating the National Landscape (AONB) and the Tilted Balance

1.3.1. The site is located within the Forest of Bowland National Landscape (formerly AONB). However, the proposal for a maximum of 3 dwellings unequivocally does not constitute "major development" under NPPF Paragraph 183. As demonstrated by the appended appeal decision at Stretton Close (APP/W0340/W/18/3211943 - Appendix B), the Planning Inspectorate has

firmly established that schemes of even 11 dwellings within an AONB do not automatically constitute major development. A modest proposal of just 3 dwellings falls drastically below any such threshold.

- 1.3.2. Furthermore, because the site is well contained, relates directly to the existing built form of Hurst Green, and occupies an existing residential curtilage, its sensible redevelopment will conserve the landscape and scenic beauty of the area (satisfying NPPF Paragraph 182).
- 1.3.3. Therefore, the protective policies of the National Landscape do not provide a clear reason for refusing the development under NPPF Paragraph 11(d)(i). This means the "tilted balance" under Paragraph 11(d)(ii) is fully engaged. Planning permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the substantial benefits of delivering housing in a crisis.

1.4. The Permission in Principle Route

- 1.4.1. This application is submitted strictly under the provisions of the Town and Country Planning (Permission in Principle) Order 2017. As such, the Council's assessment is legally restricted to three parameters: location, land use, and the amount of development. All detailed technical matters—including exact layout, design, arboricultural impacts, and drainage—are reserved for the subsequent Technical Details Consent (TDC) stage.

/2 SITE DESCRIPTION

2.1. Site Location and Existing Character

2.1.1. The application site relates to a parcel of land forming part of the extensive residential curtilage of the property known as 'The Warren', accessed via Warren Fold on the immediate eastern edge of Hurst Green.

2.1.2. Crucially, the site does not comprise open, unspoiled agricultural pasture. It is explicitly associated with an existing residential property and is heavily characterised by existing semi-domestic use. It sits directly adjacent to the defined settlement limits of Hurst Green, forming a logical, transitional boundary between the built-up edge of the village and the wider rural area.



Figure 1: Aerial View of Site (Source: Google Maps)

2.2. Visual Context and the Urban Edge (rounding off)

2.2.1. The site is located within the Forest of Bowland National Landscape (formerly AONB). The physical reality of the site on the ground, however, is that it reads as part of the visual context of the settlement, not the wider, open designated landscape.

2.2.2. Critically, the below photos demonstrate that the site is situated directly adjacent to, and in the immediate visual context of, existing substantial residential development, called 'The Warren'. Only permeable post-and-wire fencing and some scattered mature boundary trees define this edge.



Figure 2: The existing permeable post-and-wire boundary, illustrating how any new development on the site will be viewed directly against the backdrop of the existing settlement edge rather than protruding into the open landscape.

2.2.3. Therefore, any new dwellings on this site (1-3 units) would be viewed immediately against the existing backdrop of these modern two-story properties. The proposal represents a sensible "rounding off" of the visual urban edge. It does not cause a protrusion into, or degradation of, the wider, expansive scenic beauty of the National Landscape because this part of the designation is already heavily influenced by the existing settlement cluster.



Figure 3: The existing access track and boundary walling, highlighting the established, domesticated character of the land leading toward 'The Warren'

2.3. Technical Suitability (Matters Reserved for TDC)

- 2.3.1. The site benefits from an existing, established vehicular access via Warren Fold, which successfully serves the existing domesticated uses.
- 2.3.2. The site is located in Flood Zone 1, representing the lowest possible risk of fluvial flooding. Furthermore, there are no statutory heritage assets or Tree Preservation Orders (TPOs) that would preclude the principle of development on this site.
- 2.3.3. While there are mature trees on and adjacent to the site boundaries (which, as shown in the above photos, provide character rather than a dense screen), the expansive nature of the plot (1.12ha in total ownership) provides ample space to retain and enhance these boundary features, improving visual mitigation. It is explicitly noted that precise dwelling siting, tree retention, and Biodiversity Net Gain (BNG) strategies are strictly reserved for the TDC stage.

2.4. A Highly Sustainable Village Location

2.4.1. Hurst Green is formally recognised within the Ribble Valley Core Strategy (Key Statement DS1) as a Tier 2 Village. While it is not the focus for major strategic development, national and local policy dictates that such villages must still accommodate appropriate, proportionate growth to remain sustainable. A minor development of a minimum of 1 and a maximum of 3 dwellings is the precise definition of organic, proportionate growth. It allows the village to evolve sensibly, completely avoiding the infrastructure strain associated with major housing estates.

2.4.2. Despite its Tier 2 status, Hurst Green boasts an exceptionally strong, active community and a comprehensive range of vital local services that sustain daily living. The application site is not an isolated rural outpost (and therefore entirely bypasses the restrictive 'isolated homes' tests of the NPPF). Warren Fold provides a direct, safe pedestrian route into the village centre. The site is within a short, manageable walking distance of:

- **Education:** St Joseph's Catholic Primary School.
- **Community Facilities:** The Bailey Memorial Village Hall, St Peter's Guild Club, and local churches.
- **Leisure and Hospitality:** The Shireburn Arms, The Bayley Arms, and the village café.
- **Recreation:** The site sits adjacent to an extensive network of Public Rights of Way (including the Tolkien Trail) and local playing fields, actively promoting healthy, active lifestyles.

2.4.3. The site's sustainability credentials are significantly enhanced by its immediate adjacency to the established Public Right of Way network (including the Tolkien Trail). Rather than a constraint, this provides future residents with immediate, high-quality, and traffic-free routes for recreation and active travel. This direct access actively encourages walking, aligning perfectly with the NPPF's objective to promote healthy and safe communities.

- 2.4.4. Furthermore, the site is exceptionally well-served by rural public transport. Established bus stops located nearby on Avenue Road and Whalley Road provide vital connectivity. These stops offer regular, timetabled services (including the Number 5 and 25 routes, which provide hourly services Mon – Sat throughout the day, and every 2 hours on Sundays) directly connecting residents to the higher-order services, retail, and major employment opportunities in the Tier 1 and Principal Settlements of Clitheroe, Longridge, Whalley, and Preston.
- 2.4.5. Developing this site actively supports the economic and social vitality of Hurst Green. The NPPF explicitly dictates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. By introducing a proportionate addition of up to 3 households, this development will provide crucial local footfall and expenditure to help sustain the village school, pubs, and community halls for the wider population.
- 2.4.6. In light of this strong local provision and the modesty of the proposal, any assertion by the LPA that this site is geographically unsustainable, isolated, or fundamentally reliant on the private car would be factually incorrect. The proposal represents sensible, sustainable development perfectly scaled for a Tier 2 village.

/3 PERMISSION IN PRINCIPLE

3.1. The Legislative Framework

- 3.1.1. Permission in Principle (PiP) is an alternative way of obtaining planning permission for housing-led development which expressly and legally separates the consideration of matters of principle from the technical detail of the development.
- 3.1.2. The relevant legislation and guidance for this route is governed by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, and the National Planning Practice Guidance (NPPG) – Permission in Principle.

3.2. The Strict Parameters of Assessment

- 3.2.1. The current application exclusively seeks Stage 1 Permission in Principle for residential development of between 1 and 3 dwellings. This falls squarely within the statutory definition of "minor development" suitable for this consenting route.
- 3.2.2. In determining a PiP application, the legislation strictly limits the LPA's assessment to three core parameters only: Location, Land Use, and the Amount of development.

3.3. Explicit Exclusion of Technical Matters

- 3.3.1. It is a fundamental legal principle of this consenting route that a PiP application cannot be refused, nor its validation delayed, based on an alleged lack of technical information. The fundamental purpose of PiP is to reduce upfront costs for applicants bringing forward suitable minor sites.
- 3.3.2. Therefore, the LPA must not conflate Stage 1 with Stage 2 (Technical Details Consent). It is formally noted that the following technical considerations are explicitly excluded from consideration at this stage and cannot lawfully form a reason for refusal:
- **Highways and Access:** Detailed vehicular access design, visibility splays, passing places, and internal turning/parking arrangements.

- **Arboriculture and Ecology:** Tree protection plans, woodland impact assessments, and Biodiversity Net Gain (BNG) metrics.
- **Design and Landscape:** Layout, scale, external appearance, and hard/soft landscaping.
- **Drainage:** Detailed surface water and foul drainage strategies.

3.3.3. Any attempt by the LPA to introduce these technical barriers at Stage 1 would be ultra vires and a fundamental misapplication of the Permission in Principle legislation.

/4 PROPOSED DEVELOPMENT

4.1. The Principle and Quantum of Development

- 4.1.1. This application seeks Stage 1 Permission in Principle (PiP) for the erection of a minimum of 1 and a maximum of 3 residential dwellings (Use Class C3).
- 4.1.2. The application is supported by a formally submitted Location Plan, which identifies the application site boundary. The expansive nature of the site area (in the context of proposing a maximum of just 3 dwellings) ensures the proposal falls comfortably within the statutory definition of "minor development," and demonstrates that the site is more than capable of accommodating the proposed quantum of development while allowing ample space for high-quality design and boundary retention at the subsequent stage.

4.2. Access and Infrastructure

- 4.2.1. The site benefits from an established vehicular access via Warren Fold, which currently serves the existing residential and domesticated uses on the land.
- 4.2.2. The principle of utilising this established access corridor forms part of this proposal, confirming that the site is physically accessible. However, as established in Chapter 3, all precise, detailed design considerations regarding access geometry, shared surface arrangements, and pedestrian safety enhancements are strictly reserved for the Technical Details Consent stage.

4.3. Deferral of Technical Details

- 4.3.1. Because this application seeks only to establish the principle of the location, land use, and amount of development, detailed elevation, layout, and floorplan drawings are neither required nor provided at this stage.
- 4.3.2. The proposal sets a maximum parameter of 3 dwellings. The applicant fully acknowledges that a comprehensive suite of technical reports (including arboricultural method statements, ecological mitigation, and drainage strategies) will be required to successfully secure the subsequent Technical Details Consent.

/5 PLANNING HISTORY

5.1. Historic Residential Association

5.1.1. The application site and its immediate surroundings have a long-established history of residential and domesticated use. Notably, application 3/2009/1014 granted permission for a replacement dwelling ('The Warren'), an extension to the formal residential curtilage, and alterations to vehicular access.

5.1.2. While the current application site itself sits just outside that formal, defined curtilage boundary, it is held in the same ownership and has historically functioned as an associated, semi-domestic transitional parcel. This history firmly establishes the Council's acceptance of the land's close functional and visual relationship with the built form of 'The Warren' and the wider Warren Fold residential cluster.

5.2. Apps: 3/2022/0469 & 3/2023/0671

5.2.1. It is acknowledged that outline applications for residential bungalows on this site were refused in September 2022 and most recently in December 2023 (Ref: 3/2023/0671 for two bungalows). However, it is critical to properly analyse the Council's reasons for refusal in the context of the current, drastically altered planning paradigm.

5.2.2. The primary reason for refusal across both applications was a cited conflict with Policies DMG2 and DMH3 of the Core Strategy, specifically that the site was located outside of a defined settlement boundary. As established in Section 1, the policy context has fundamentally shifted since December 2023. Because the Council can no longer demonstrate a 5-Year Housing Land Supply (currently sitting at 3.45 years), Policies DMG2 and DMH3 are legally out-of-date. The foundational spatial strategy upon which both previous refusals were built has collapsed, and these policies must be afforded vastly reduced weight.

5.2.3. The 2023 refusal also cited Key Statement EN2 and Policy DMG1, claiming the development would appear incongruous and undermine the Forest of Bowland National Landscape. This generic objection fundamentally mischaracterised the physical reality of the site. As

demonstrated by the photographic evidence in Chapter 2, the site is not open, pristine countryside. It is a visually contained, semi-domestic parcel wedged directly between existing modern, two-storey built form.

5.2.4. Furthermore, in the context of the current housing crisis, the "tilted balance" dictates that the delivery of housing significantly outweighs the highly localised, subjective visual impact of a minor 1-3 dwelling scheme rounding off an existing settlement edge.

5.3. Technical Confirmations from the 2023 Application

5.3.1. While the 2023 application was refused on out-of-date strategic principles, the statutory consultation responses formally recorded within the Officer's Delegated Report (Ref: 3/2023/0671) provide overwhelming proof that the site is technically suitable for development.

- Importantly, the Officer Report notes that the Aighton Bailey and Chaigley Parish Council raised absolutely no objections to the proposal.
- The Local Highway Authority (LCC) formally raised no objection to the proposal regarding highway safety, capacity, or access via Warren Fold. This fundamentally neutralises third-party objections regarding the capacity of the lane or conflict with walkers on the Tolkien Trail. The competent Highway Authority has definitively confirmed that the access is technically sound.
- United Utilities also raised no objection subject to standard drainage conditions.

5.3.2. The 2023 application process successfully proved that there are no insurmountable technical barriers (highways, drainage, or local Parish opposition) to developing this site. The *only* barrier was the Council's reliance on settlement boundaries—boundaries which are attributed significantly less material weight as a result of the 3.45-year housing supply deficit. Therefore, the location, land use, and amount of development proposed in this PiP application are fundamentally sound in principle.

/6 PLANNING POLICY CONTEXT

6.1. The Statutory Development Plan

- 6.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.1.2. The statutory Development Plan for the borough comprises the Ribble Valley Core Strategy (Adopted 2014). The site is located immediately adjacent to the settlement boundary of Hurst Green (a Tier 2 Village under Key Statement DS1). Consequently, the site technically falls within the open countryside, engaging Policies DMG2 (Strategic Considerations), DMH3 (Dwellings in the Open Countryside), and Key Statement EN2 (Landscape).
- 6.1.3. However, the application of these policies cannot be undertaken in a vacuum. They must be legally contextualised by the NPPF and the Council's current housing land supply position, which together constitute material considerations of overwhelming weight.

6.2. The Material Change in Circumstances: The Housing Supply Crisis

- 6.2.1. It is a matter of established, undisputed fact that Ribble Valley Borough Council is currently operating under a severe housing supply deficit. As confirmed by the January 2026 appeal decision at Chatburn Old Road (APP/T2350/W/25/3372635) [Appendix A], the Council can only demonstrate a supply of approximately 3.45 years.
- 6.2.2. The legal consequence of this deficit is profound. Under NPPF Paragraph 11(d), the Council's strategic policies which restrict housing provision—specifically Policies DMG2 and DMH3, which formed the sole basis for the 2022 and 2023 refusals on this site—are rendered out-of-date.
- 6.2.3. Therefore, the spatial strategy that previously sought to prevent development outside the Hurst Green settlement boundary has collapsed. These policies must be afforded vastly reduced weight in the decision-making process.

6.3. Navigating the National Landscape (NPPF Paragraph 11(d)(i))

- 6.3.1. Because the most important policies for determining the application are out-of-date, the presumption in favour of sustainable development is engaged.
- 6.3.2. The Council will note that the site is located within the Forest of Bowland National Landscape (formerly AONB). Paragraph 11(d)(i) of the NPPF dictates that the "tilted balance" is disengaged *only* if policies protecting areas of particular importance (such as National Landscapes under Footnote 7) provide a "*clear reason for refusing the development proposed.*"
- 6.3.3. To legally establish whether there is a "clear reason for refusal," the proposal must be explicitly and forensically tested against the specific National Landscape policies within the NPPF (Paragraphs 189 and 190).

6.4. Step 1: The "Major Development" Test (NPPF Paragraph 190)

- 6.4.1. Paragraph 190 states that planning permission should be refused for *major development* in National Landscapes other than in exceptional circumstances.
- 6.4.2. A proposal for a maximum of 3 dwellings undeniably falls completely outside any reasonable, legal, or established definition of major development. As demonstrated by the Planning Inspectorate in the Stretton Close appeal (APP/W0340/W/18/3211943) [Appendix B], schemes of up to 11 dwellings within an AONB have been definitively classed as non-major.
- 6.4.3. Therefore, the strict "exceptional circumstances" test of Paragraph 190 unequivocally does not apply to this minor Permission in Principle application.

6.5. Step 2: The "Landscape Conservation" Spatial Test (NPPF Paragraph 189)

- 6.5.1. Because the proposal is not major development, it must simply be assessed against Paragraph 189, which requires "great weight" to be given to conserving and enhancing landscape and scenic beauty. Previous Officer Reports have cited generic landscape harm, but a forensic spatial analysis of the site proves this to be factually incorrect.

6.5.2. As clearly depicted in the Local Plan Map extract below, the site does not represent an uncontained protrusion into the open countryside.

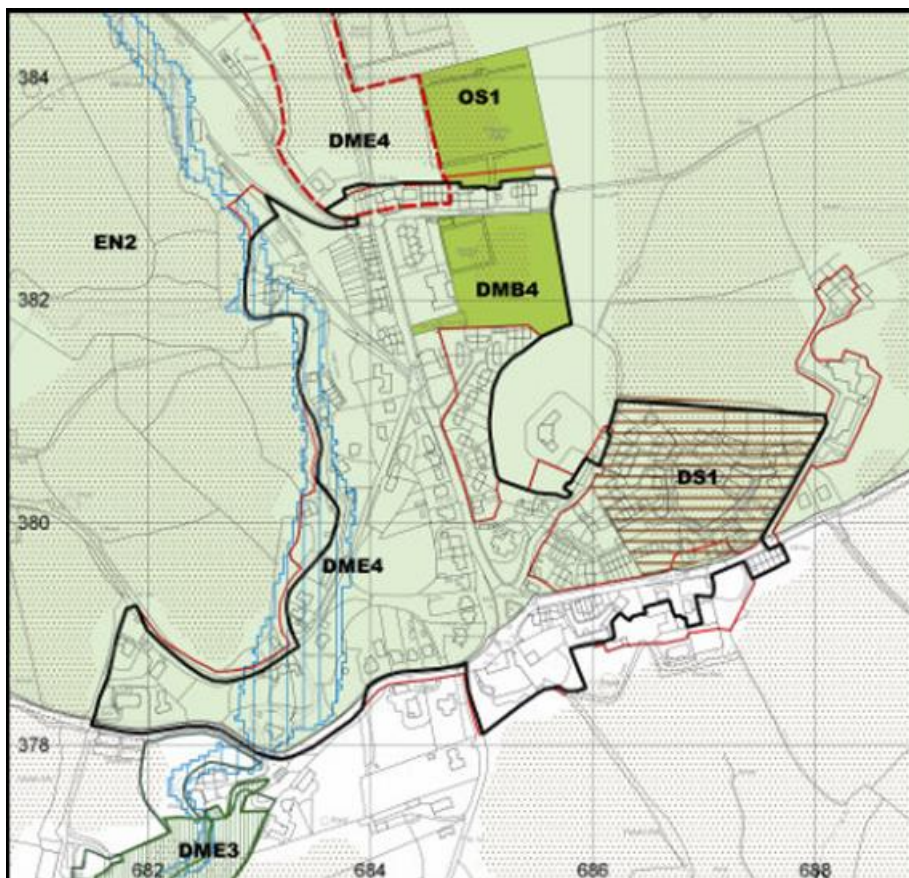


Figure 4: Local Plan Map extract demonstrating the site's physical containment by existing built form.

6.5.3. Spatially, the land is heavily bracketed by existing residential development. There are established homes directly to the west north-west, and south. The application site functions as a constrained, semi-domestic transitional parcel wedged between these existing structures.

6.5.4. Consequently, developing a maximum of 3 sensitively designed homes on this specific parcel will read entirely in conjunction with the existing residential envelope. It represents a highly logical "rounding off" of the settlement pattern, rather than a harmful encroachment into the sweeping vistas or special qualities of the Forest of Bowland. Therefore, the landscape is conserved in accordance with Paragraph 189.

6.6. Engaging the Tilted Balance (NPPF Paragraph 11(d)(ii))

- 6.6.1. Because the proposal is not major development (satisfying Paragraph 190), and because its spatially contained, semi-domestic nature ensures it will not harm the wider landscape or the PRoW (satisfying Paragraph 189), the National Landscape designation *does not* provide a clear reason for refusing the development.
- 6.6.2. Therefore, NPPF Paragraph 11(d)(i) is successfully and legally bypassed, throwing the gateway to Paragraph 11(d)(ii) wide open. The LPA is legally mandated to apply the "tilted balance."
- 6.6.3. Under this mechanism, Stage 1 Permission in Principle *must* be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the substantial benefits of delivering housing.

6.7. Policies Reserved for Technical Details Consent

- 6.7.1. Finally, it is formally noted that while the Core Strategy contains several operational policies relating to specific site impacts (e.g., Policy DMG1 regarding detailed design and Key Statement DM12 regarding specific transport mitigation), compliance with these policies cannot lawfully be demanded or assessed at the Permission in Principle stage. Compliance with these detailed requirements will be comprehensively demonstrated at the subsequent TDC stage.

/7 PLANNING POLICY ASSESSMENT

7.1. The Framework for Assessment: The Tilted Balance

7.1.1. As comprehensively established in Chapter 6, the restrictive settlement boundary policies of the Core Strategy (DMG2 and DMH3) are out-of-date due to the Council's severe 3.45-year housing land supply deficit. Furthermore, because the proposal is not major development and conserves the landscape, the National Landscape designation provides no clear reason for refusal.

7.1.2. Consequently, the LPA is legally mandated to determine this PiP application strictly under the "tilted balance" mechanism of NPPF Paragraph 11(d)(ii). Stage 1 Permission must be granted for the proposed Location, Land Use, and Amount of development unless any adverse impacts *significantly and demonstrably* outweigh the benefits, when assessed against the Framework taken as a whole.

7.2. Assessment of Location (Sustainability and Technical Viability)

Settlement Hierarchy

7.2.1. The application site is located immediately adjacent to the built-up boundary of Hurst Green, a designated Tier 2 Village under Key Statement DS1. National and local policy confirms that Tier 2 settlements are sustainable locations capable of accommodating proportionate growth to maintain rural vitality.

Walkability and Modal Shift

7.2.2. The location provides exceptional, realistic opportunities for future residents to access vital day-to-day services without reliance on the private car. Through the established Warren Fold, residents have direct, safe pedestrian access to St Joseph's Primary School, the Bailey Memorial Village Hall, St Peter's Guild Club, and local public houses. This immediate connectivity directly fulfils the social objective of sustainable development.

Technical Validation of Location

7.2.3. The principle of this specific location for residential access has already been proven sound. During the assessment of the 2023 application (Ref: 3/2023/0671), the Local Highway Authority (LCC) formally confirmed that the existing access via Warren Fold is safe and suitable for development, raising no objections. Therefore, the *Location* parameter of this PiP is fundamentally acceptable and free from insurmountable technical constraints.

7.3. Assessment of Land Use (Spatial Integration and "Rounding Off")

7.3.1. The proposed residential land use (Class C3) is entirely compatible with the prevailing character of the immediate area. A spatial analysis of the site reveals that it does not constitute an isolated or protruding parcel of open countryside, nor would its development result in unacceptable sprawl.

Physical Containment

7.3.2. As demonstrated by the Local Plan extract and site photographs, the land is heavily bracketed by existing built form on multiple fronts. It is immediately bounded by established, modern two-storey dwellings to the west and north-west (Warren Fold) and is firmly anchored by the substantial built form and formal curtilage of 'The Warren'.

Semi-Domestic Character

7.3.3. The application site functions strictly as a semi-domestic, transitional parcel wedged into this existing residential envelope. It already accommodates an access track, domestic garaging, and outbuildings.

Conclusion on Land Use

7.3.4. The proposed residential use represents a highly logical, sensible "rounding off" of the settlement pattern. It will formalise this transitional space, reading entirely in conjunction with the adjacent homes. It will not appear incongruous, because the immediate context is already entirely residential.

7.4. Assessment of Amount and the Imperative of NPPF Paragraph 73

7.4.1. The proposal seeks permission for a maximum of 3 dwellings. This quantum perfectly aligns with the statutory limits for "minor development" under the PiP regulations and represents highly proportionate, organic growth.

The Weight of Small Sites (NPPF Para 73)

7.4.2. The Council is compelled by national policy to afford significant positive weight to this specific amount of development. Paragraph 73 of the NPPF explicitly dictates that small and medium sized sites *"make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly."*

Direct Support for the PiP Route

7.4.3. Furthermore, Paragraph 73(c) explicitly directs local planning authorities to *"use tools such as... permission in principle... to help bring small and medium sized sites forward."* This application is the direct embodiment of that national policy directive.

The Windfall Imperative

7.4.4. Paragraph 73(d) further demands that authorities support windfall sites, *"giving great weight to the benefits of using suitable sites within existing settlements for homes."* Given the site's immediate visual and spatial integration with Hurst Green, it functionally operates as part of the settlement edge.

7.4.5. In a district suffering from a critical 3.45-year supply deficit, the rapid delivery of 1 to 3 dwellings on a highly deliverable minor site—expressly suitable for SME builders and capable of rapid build-out—provides an immediate, tangible benefit to the local housing market that delayed strategic allocations cannot match.

7.5. Assessment of Alleged Harms (The Tolkien Trail & Visual Impact)

7.5.1. To satisfy the tilted balance and justify a refusal, the Council must identify harms that *significantly and demonstrably* outweigh the benefits. Previous refusals and third-party objections have relied heavily on perceived harm to the character of the 'Tolkien Trail' Public Right of Way (PRoW). This argument collapses when subjected to spatial scrutiny.

Experiential Reality of the PRoW

7.5.2. As the trail passes Warren Fold and the application site, it does not traverse a remote, untouched rural wilderness. Walkers at this specific juncture are actively navigating an established residential environment. They walk directly alongside modern brick dwellings, residential driveways, parked vehicles, and domestic boundary treatments.

Negligible Visual Harm

7.5.3. The introduction of a maximum of 3 modestly scaled homes within this existing semi-domestic context will simply be viewed by walkers as a natural, minor continuation of the existing built environment. It will cause absolutely no material degradation to the recreational or scenic value of the wider trail.

Absence of Highway Conflict

7.5.4. As confirmed by the lack of objection from the Local Highway Authority in 2023, the access lane is perfectly capable of safely accommodating the statistically negligible vehicular movements associated with a maximum of 3 dwellings alongside pedestrian use. There is no demonstrable functional or safety harm to trail users.

7.6. The Planning Balance

7.6.1. In applying the tilted balance required by NPPF Paragraph 11(d)(ii), the scales fall overwhelmingly in favour of granting permission.

The Benefits (Substantial Weight):

- **Housing Delivery:** The rapid provision of up to 3 homes makes an "important contribution" (NPPF Para 73) in an area failing to meet its 5-year housing supply target. This carries critical and substantial weight.
- **Economic Benefits:** The construction phase will support local SME builders and the supply chain. Post-construction, the introduction of new economically active households will generate sustained local expenditure.
- **Social/Rural Vitality:** Consistent with NPPF Paragraph 83, the new residents will help maintain the vitality of Hurst Green's local services, directly supporting the primary school, village hall, and local businesses without overwhelming existing infrastructure.

The Harms (Negligible to Very Limited Weight)

- **Landscape/Visual:** No harm to the wider National Landscape due to the site's physically contained, semi-domestic nature and immediate adjacency to existing two-storey housing.
- **Technical/Amenity:** No in-principle technical harm. The 2023 application definitively proved there are no insurmountable highways or drainage constraints. Detailed design, landscaping, tree protection, and amenity protection are strictly reserved for the TDC stage and cannot be weighed as harms at the PiP stage.

7.7. Conclusion of the Assessment

- 7.7.1. There are absolutely no adverse impacts associated with this proposal that could conceivably be deemed to "significantly and demonstrably" outweigh the substantial, multi-faceted benefits of delivering housing on this site. The principle of development (Location, Land Use, and Amount) is entirely sound, and Stage 1 Permission in Principle must therefore be granted without delay.

/8 CONCLUSION

- 8.1.1. This application seeks Stage 1 PiP for the erection of a minimum of 1 and a maximum of 3 residential dwellings at The Warren, Warren Fold, Hurst Green.
- 8.1.2. The application has been submitted strictly in accordance with the Town and Country Planning (Permission in Principle) Order 2017. The LPA is therefore legally restricted to assessing only the Location, Land Use, and Amount of development. All technical details—including final layout, specific highway mitigation, drainage, and arboricultural protection—are lawfully deferred to the subsequent Technical Details Consent (TDC) stage.
- 8.1.3. Applications on this site in 2022 and 2023 were refused primarily due to spatial conflicts with Core Strategy Policies DMG2 and DMH3 (development outside the settlement boundary).
- 8.1.4. Ribble Valley Borough Council can now only demonstrate a critical 3.45-year housing land supply. Consequently, Policies DMG2 and DMH3 are legally out-of-date. The spatial strategy that previously blocked development on this site has collapsed, and those previous refusal notices carry vastly reduced weight.
- 8.1.5. The application has forensically demonstrated that the Forest of Bowland National Landscape designation does not provide a "clear reason for refusal" under NPPF Paragraph 11(d)(i).
- 8.1.6. A maximum of 3 dwellings unequivocally does not constitute "major development" (bypassing NPPF Paragraph 190). Furthermore, the site is a physically contained, semi-domestic transitional parcel immediately bracketed by existing modern housing on three sides. Developing this specific parcel will result in a logical "rounding off" of the settlement, causing no demonstrable harm to the wider sweeping vistas of the National Landscape or the experiential quality of the adjacent 'Tolkien Trail' (satisfying NPPF Paragraph 189).
- 8.1.7. Because the settlement boundary policies are out-of-date and the National Landscape is conserved, the "tilted balance" (NPPF Paragraph 11(d)(ii)) is fully and legally engaged.

- 8.1.8. The scales of this balance are overwhelmingly tipped in favour of approval. The proposal draws critical, national-level policy support from NPPF Paragraph 73, which explicitly demands that local authorities give "great weight" to the windfall delivery of small sites that can be built out quickly to address housing shortfalls.
- 8.1.9. The rapid delivery of up to 3 homes to help address the Council's severe housing deficit, combined with the support for SME builders and the maintenance of Hurst Green's rural vitality, represent substantial, tangible public benefits.
- 8.1.10. Conversely, there are no in-principle harms. The 2023 application process definitively proved that there are no insurmountable highways, drainage, or local Parish objections to residential development on this site.
- 8.1.11. There are no adverse impacts associated with this proposal that significantly and demonstrably outweigh the substantial benefits of delivering housing. The proposal constitutes sustainable development in an entirely suitable location.
- 8.1.12. We therefore respectfully urge Ribble Valley Borough Council to recognise the shifted policy landscape, apply the tilted balance as legally required, and grant Stage 1 Permission in Principle without delay.



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APPENDIX A

Document: Appeal Decision APP/T2350/W/25/3372635 (Chatburn Old Road, Ribble Valley)

Date of Decision: January 2026

Relevance to Application: This appeal decision is submitted as an overwhelming material consideration. It formally establishes and confirms that Ribble Valley Borough Council can currently only demonstrate a 3.45-year housing land supply.

Consequently, it confirms that the Council's strategic housing and settlement boundary policies (specifically Policies DMG2 and DMH3) are legally out-of-date, thereby engaging the presumption in favour of sustainable development ("the tilted balance") under Paragraph 11(d) of the National Planning Policy Framework.



Appeal Decision

Hearing held on 9 December 2025

Site visit made on 9 December 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal Ref: APP/T2350/W/25/3372635

Land to South of Chatburn Old Road, Chatburn, BB7 4QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Ronald Jackson against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2025/0414.
 - The development proposed is residential development of up to nine dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 dwelling and a maximum of 9 dwellings at Land to South of Chatburn Old Road, Chatburn BB7 4QG in accordance with the terms of the application, Ref 3/2025/0414, dated 23 May 2025.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - a) Whether the site is a suitable location for the proposed development, having regard to local policy; and
 - b) Whether any harm would be outweighed by other material considerations, in particular whether the Council can currently demonstrate a five-year housing land supply, the provision of affordable housing and economic benefits of the development.

¹ PPG Permission in Principle Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Suitable location

5. Key Statement DS1 of the Core Strategy 2008 – 2028 (CS), adopted 16 December 2014, sets out a development strategy for the Borough. The strategy directs the majority of new housing development to an identified strategic site and the principal settlements of Clitheroe, Longridge and Whalley. In addition, it states that development will be focused towards Tier 1 Villages, which are the more sustainable of the defined settlements. The appeal site is, largely, outside of the defined boundary of Chatburn, which is identified as a Tier 1 Village.
6. CS Policy DMG2 indicates that outside of defined settlement areas, development must meet at least one of several considerations. CS Policy DMH3 states that within areas defined as open countryside, residential development will be limited to specified types. The main parties agree that, as the proposed development does not meet any of the listed considerations or exceptions, it does not accord with such policies. There is no evidence before me that would lead me to conclude differently.
7. Although within the open countryside, the appeal site adjoins the defined settlement boundary of Chatburn. Notwithstanding the gradients of the surrounding land, it has good pedestrian and cyclist access to the facilities and services it contains along the quiet Chatburn Old Road. Furthermore, the nearest bus stop is within a reasonable walking distance of the site which, according to the evidence before me, provides frequent bus services to and from the principal settlement of Clitheroe, as well as Skipton and Preston.
8. The future occupiers of the proposed development would not, therefore, be wholly reliant on the use of a private vehicle. As such, it would be in an accessible location. Nonetheless, it remains that the proposal conflicts with the policies identified above.
9. In conclusion, although in an accessible location, having regard to the identified conflict with CS policies DMG2 and DMH3, the site is not a suitable location for the proposed development.

Other considerations

Housing land supply

10. The main parties agree that the five-year housing land supply (5YHLS) should be calculated against local housing need using the standard method in the PPG, and that this equates to 311 dwellings per annum. There is also agreement that a 5% buffer applies. Based upon the evidence before me, I concur.
11. There is, however, disagreement between the main parties on two grounds. The first relates to how past over-supply of housing should be taken into consideration. The second issue relates to the extent of the deliverable supply.
12. It is the Council's position that the 5YHLS requirement should be reduced by the over-supply of previous years, 536 dwellings, which would reduce the requirement to 204 dwellings per annum, or 214 dwellings when the 5% buffer is applied. The

appellant contends that local housing need should not be reduced by over-supply. The effect of which would reduce the housing land supply position from 6.19 years, as advanced by the Council, to 4.05 years.

13. I acknowledge that the Framework and PPG do not rule out the use of past over-supply to reduce future housing requirements. Nevertheless, to adopt the approach of the Council, and that of the Inspectors in the decisions it has highlighted, would impede the achievement of the Government's objective to significantly boost the supply of homes. I therefore find that the forward-facing approach adopted in the appeal decisions and local plan examination letters that have been referred to by the appellant to be the most appropriate.
14. Thus, it is my judgement that past over-supply should not be used to reduce local housing need requirements in this case. This should not be seen as penalising the Council, as has been suggested, rather, it is part of the solution to the acute housing crisis that exists nationally.
15. Turning to the second matter of disagreement, the extent of the deliverable supply, it is now agreed that 74 dwellings on the site of land at Accrington Road, Whalley should be included in the housing land supply. However, the appellant considers that development on three other sites is not deliverable within the 5-year period and should not count towards the 5YHLS.
16. The disputed site, land at Highmoor Farm, Clitheroe, has the benefit of outline planning permission. The sale of the site and the submission of a reserved matters application is, however, dependent upon the completion of an agreement with the Council to facilitate the creation of an appropriate access. For this reason, the applicant for the outline planning permission, states that the completion of the sale of the land and the submission of a reserved matters application before the outline permission expires are hopeful rather than guaranteed. At the Hearing the Council advised that progress had been made on the agreement, but that it was not yet completed. Furthermore, there is no evidence before me that a performance agreement is in place that sets out the timescale for approval of a reserved matters application and the discharge of conditions.
17. In my view, it has not been demonstrated that firm progress has been made towards approving the reserved matters and, accordingly, there is no clear evidence that housing completions will begin on the Highmoor Farm site within the five-year period. Therefore, 75 dwellings should be removed from the 5YHLS.
18. There is currently no planning permission on the disputed site of land at Wilpshire (Salisbury View), although I note that, following pre-application discussions, a planning application for 80 dwellings was submitted on 1 October 2025, to which no technical objections have been received from statutory consultees. Nonetheless, even if I were to agree that the appeal decision, that dismissed a development of 84 dwellings on this site, supports the density of the current proposal, this is not sufficient to demonstrate that it will be permitted, particularly considering the strong objections from the relevant Parish Councils that were brought to my attention.
19. Furthermore, although I note that the Council indicate that it is likely that the application would be determined by Planning Committee in January or February 2026, at the time of the Hearing a report had not been published on an agenda. As such, as well as there being no certainty as to whether the proposal will be

permitted, it is unclear when a decision will be made on the application. Consequently, there is no clear evidence that the projected number of dwellings on this site can be delivered within the 5-year period. 75 dwellings should therefore be removed from the 5YHLS.

20. The disputed site, Standen Littlemoor Phases 5 & 6, also has the benefit of outline planning permission and a reserved matters application was submitted in March 2022. However, approaching four years later it remains undetermined and, as confirmed by the Council at the Hearing, amended plans are awaited. Although the Council anticipates that the application will be determined in early 2026, in the absence of a planning performance agreement that sets out the timescale for approval of reserved matters there is no certainty in this regard.
21. It is apparent that the developers are constructing dwellings on Phases 2 to 4 of the Standon Littlemoor site, but a significant number are yet to be completed. Although the Council does not predict any completions on Phases 5 & 6 until year 5, it is my view that no robust evidence has been presented to demonstrate that development will be carried out on such later phases within 5 years. Accordingly, a further 41 dwellings should be removed from the 5YHLS.
22. I therefore find that, at this point in time, the deliverable supply of housing amounts to 1,130 dwellings, which, in combination with the consequences of not deducting past over-supply from the local housing need requirements, reduces the housing land supply position to 3.45 years.
23. The Council has consistently delivered more completions than required since 2014/15, and there is no compelling evidence before me to suggest that this will not continue. This is a material consideration that tempers the weight to be given to housing delivery as a benefit of the proposed development. Nonetheless, given the significant shortfall in the 5YHLS at this time, I afford substantial weight to the proposed provision of housing, given that it is in an accessible location.

Affordable housing

24. The Council contends that because affordable housing could not be secured at this first, permission in principle, stage, the provision of on-site affordable housing should not be considered as a benefit that weighs in favour of the proposed development. Nevertheless, CS Key Statement H3 states that for developments of 5 or more dwellings (or sites of 0.2 hectares or more irrespective of the number of dwellings) on sites outside of the settlement boundaries of Clitheroe and Longridge, the Council will require 30% affordable units on-site. The policy also indicates that the Council will only consider a reduction in this level, to a minimum of 20%, where supporting evidence justifies it.
25. I note that, in a previous appeal decision on this site relating to the refusal of Technical Details Consent², the Inspector found that a financial contribution towards off-site provision equivalent to the 20% minimum level set out in policy could be supported. Whilst acknowledging that financial circumstances can change over time, I see no reason why affordable housing in some form could not be secured in connection with the current proposal at the technical details consent stage. However, as there remains uncertainty as to the level of affordable housing

² APP/T2350/W/23/3333973

provision, this benefit carries limited weight in support of the proposed development.

Economic benefits

26. There would be economic benefits arising from the construction of the proposed development, and expenditure by its future occupiers, which is quantified by the appellant. Although there is no certainty as to where the occupier expenditure would take place, it is reasonable to find that a considerable proportion would be spent in local shops, services and amenities given that they would be accessible and convenient. I therefore attach moderate weight to such benefits in favour of the proposed development.

Other Matters

27. Interested parties have raised concerns regarding the potential effects of additional traffic along Chatburn Old Road. However, based on what is before me, I agree with the Council that there are no highway grounds that would support the conclusion that the appeal site is not suitable for residential development. Furthermore, no robust evidence has been presented to conclude that local infrastructure, such as schools, lack capacity to accommodate the proposed development.
28. I have also had regard to the other matters raised by interested parties, including the effect of the proposed development on the character and appearance of the area, the living conditions of nearby residents, a protected tree, wildlife and habitats, a public right of way and drainage. Nonetheless, these relate to the details, and not the principle, of the proposed development. Accordingly, they are matters for consideration at this appeal and will be dealt with at the second (technical details consent) stage.

Planning Balance

29. The proposed development would conflict with the spatial strategy set out in the development plan as the site lies outside the settlement boundary of Chatburn. Furthermore, it would not meet any of the identified considerations or exceptions which are required for residential development to be acceptable in the open countryside.
30. I have found that the Council cannot demonstrate a 5YHLS. Accordingly, as set out in footnote 8 of the Framework, the most important policies of the development plan are considered to be out-of-date. Consequently, paragraph 11 d) of the Framework applies.
31. In its favour, the proposed development would make a modest contribution to the supply of housing, of up to 9 dwellings, in an accessible location. Given the significant shortfall in the 5YHLS at this time, I afford this substantial weight. Additionally, I attach moderate weight to its economic benefits and limited weight to the contribution that it could make in respect of affordable housing.
32. The adverse impact I have identified, arising from the conflict with the spatial strategy, would not significantly and demonstrably outweigh such benefits. Consequently, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. There are no other material considerations to override this finding.

Conditions

33. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle. Therefore, whilst I acknowledge that the conditions suggested by the Council all relate to matters within the scope of a permission in principle decision, I have not imposed them.

Conclusion

34. For the reasons set out above, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christian Hawley	Barrister, No 5 Chambers
Ben Pyecroft	Emery Planning
Caroline Payne	Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Erika Eden-Porter	Head of Strategic Housing and Planning
Stephen Kilmartin	Principal Planning and Urban Design Officer
Yvonne Smallwood	Planning Policy Officer

APPENDIX B

Document: Appeal Decision APP/W0340/W/18/3211943 (Stretton Close, West Berkshire)

Date of Decision: February 2019

Relevance to Application: This appeal decision is submitted to establish a definitive legal precedent regarding the definition of "major development" within a designated National Landscape (AONB).

In this decision, the Planning Inspectorate formally concluded that a scheme of 11 dwellings within an Area of Outstanding Natural Beauty did not constitute major development. This unequivocally confirms that the current proposal for a maximum of 3 dwellings falls drastically below the threshold for major development, meaning the "exceptional circumstances" test of NPPF Paragraph 183 cannot lawfully be applied to this application.



Appeal Decision

Site visit made on 4 December 2018

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2019

Appeal Ref: APP/W0340/W/18/3211943

**Land north of Stretton Close, Bradfield Southend, Reading, Berkshire
RG7 6EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Westbuild Homes Ltd against the decision of West Berkshire Council.
 - The application Ref 17/03411/OUTMAJ, dated 6 December 2017, was refused by notice dated 23 May 2018.
 - The development proposed is outline permission for 11 dwellings, with layout, means of access and scale to be determined.
-

Decision

1. The appeal is allowed and outline planning permission is granted for 11 dwellings on land north of Stretton Close, Bradfield Southend, Reading, Berkshire RG17 6EN, in accordance with the terms of the application, Ref 17/03411/OUTMAJ, dated 8 December 2017, and the plans submitted with it, subject to the conditions contained in the schedule of conditions set out below.

Procedural Matters

2. The application is in outline form and the submitted plans are to be treated as indicative in relation to appearance and landscaping.
3. The Council's statement was received after the due date and the appellant has queried this and requested that I give further consideration to this issue. It is clear to me from the Council's refusal reason, submitted by the appellant, and from the appellant's grounds of appeal, what the Council's case amounts to. I do not consider that the appellant was prejudiced by the Council's statement of case, which set out their case more fully, being before me for consideration.

Main Issue

4. The main issue is whether the appeal site is suitable for housing, with regard to the character and appearance of the area, the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the policies of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026 (adopted 2017) (HSADPD).

Reasons

5. The appeal site is allocated by Policy HSA22 of the HSADPD, for "*approximately 10 dwellings*". This policy includes requirements that the site will be developed in accordance with the Landscape Capacity Assessment (2014), that an arboricultural survey will be required to inform its delivery, that it will include the retention and enhancement of the existing tree belt and woodland group in the north western corner, and that the small woodland group in the eastern corner will be retained. Many of these trees are protected by a Tree Preservation Order (TPO). It appears that at the time the site was allocated, the developable area was defined, which excluded the north-western corner of the site. The defined settlement boundary of Bradfield Southend was then drawn to exclude that corner of the site. Policy C1 of the HSADPD says that "*there will be a presumption against new residential development outside of the settlement boundaries*".
6. It is clear from the evidence before me that the proposed layout in the appeal scheme has been informed by an Arboricultural Impact Assessment (AIA) and by a Landscape and Visual Impact Assessment (LVIA). It has therefore taken full account of the constraints that caused the Council to draw the settlement boundary as it did.
7. I noted on my site visit that the appeal site as a whole is visually contained by the protected trees along its south-western and north-western boundaries. Other than being to the west of some outlying trees within the field, there is little to differentiate that part of the field outside the settlement boundary, where plots 7 and 8 are proposed, from the rest of the field within the settlement boundary. The protected trees will all be retained and the proposed dwellings logically constrained by the appeal site's well defined boundaries. The development would not result in visually isolated or sporadic dwellings in the countryside, as they would be seen as part of the existing settlement. The layout of the dwellings would be in keeping with the pattern of development in Bradfield Southend. I am satisfied that, subject to the control that exists at reserved matters stage, the dwellings could be designed to be sensitive to local character and architectural styling.
8. In relation to the wider AONB, paragraph 172 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. It also says that planning permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In footnote 55, it explains that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
9. The Council's Committee report says that, "*taking into account the amount of development, comparative to the size of the settlement, the location on the edge of the settlement, along with Bradfield Southend's relationship with Newbury, Pangbourne Reading and Thatcham's built up areas, it is considered that the proposed development does not amount to major development in terms of paragraph 116*" of the Framework. I agree with this assessment that the appeal proposal does not amount to major development within the AONB.

10. Taking into account all of the above, the proposal would be seen as a limited extension of the existing settlement that would be visually contained by mature landscaping that is within the site. As such, the scheme would have a neutral impact on the sense of remoteness and tranquillity associated with the AONB and its landscape and scenic beauty would be preserved.
11. I accept that the appeal proposal is contrary to Policy C1 of the HSADPD, by including residential development outside the settlement boundary. Section 38(6) of the Planning and Compulsory Purchase Act (P&CPA) 2004 says that *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. In this case, the whole site is allocated for housing by Policy HSA22 of the HSADPD, the appeal proposal has been informed by an AIA and LVIA, the TPO trees would be retained, and the character and appearance of the area would not be harmed. I consider these to be significant material considerations that indicate that a decision otherwise than in accordance with Policy C1 of the HSADPD is appropriate in this case.
12. The Framework supports a plan-led approach to development. However, in my opinion, allowing this appeal is in line with the approach set out in the Framework and would not undermine the purposes of the development plan.
13. I conclude that the appeal site, including plots 7 and 8, is suitable for housing, and that the proposal would not harm the character and appearance of the area and would preserve the landscape and scenic beauty of the AONB.

Other Matters

14. Local residents have raised other matters, including the possibility of flooding, the inadequacy of the water supply and the proposed access, and harm to wildlife on the site. However, I note that none of the relevant consultees have objected on these grounds and nothing that I have read or seen on site persuades me that these matters outweigh my conclusion on the main issue.

Unilateral Undertaking

15. The appellants have submitted a signed and dated unilateral undertaking (UU), which provides for 4 of the 11 new dwellings to be affordable housing, 3 as social rented dwellings and 1 as a shared ownership dwelling. This is in line with that sought by the Council as set out in its Committee report, and no further comments on the UU have been received from the Council.
16. Regulation 122(2) of the Community Infrastructure Levy Regulations and paragraph 56 of the Framework both set out the three tests for a planning obligation constituting a reason for granting planning permission. These are that the obligation should be necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.
17. Policy CS6 of the West Berkshire Core Strategy (2006 – 2026) (CS), adopted in 2012, deals with affordable housing. It explains the need for affordable housing in West Berkshire. It seeks, by negotiation, on development sites of 15 dwellings or more (or 0.5 hectares or more) 30% provision on previously developed land and 40% on greenfield land. The appellant's UU satisfies this policy, which is itself in line with the Framework's advice on providing adequate

affordable housing. The UU is necessary to comply with Policy CS6 and to make the development acceptable in planning terms. By providing the affordable housing as a proportion of a development of market housing, the UU is directly related to the development. By meeting Policy CS6 of the CS, but not providing more affordable housing than has been sought, it is related in scale and kind to the development. The UU therefore meets the three tests and is appropriate.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.
19. The wording of the time limit condition has been altered to reflect that of S92(2) of the Town and Country Planning Act 1990 (as amended). A condition relating to compliance with the approved plans is necessary, in the interests of providing clarity and certainty. The suggested hours of work condition is also necessary, to protect nearby residential occupiers, as is a condition requiring the appellants to notify the Council of any unexpected contamination.
20. I agree that it is necessary to agree details of construction management and methods and, given that this deals with what may happen on and around the site as soon as development starts, that this needs to be agreed prior to work commencing. I do however agree with the appellants that the two proposed conditions can be combined and need not be prescriptive, as the Council can reject proposals that do not deal with relevant areas. As suggested by the appellants, I have also combined the two conditions requiring details of surfacing of the access to be submitted.
21. I agree with the Council that conditions are necessary to require the provision of parking and cycle parking, in the interests of highway safety and promoting sustainable means of transport respectively. A condition is needed to ensure the provision of sustainable drainage, although this need not be as prescriptive as suggested by the Council. I am imposing a condition requiring ecological mitigation to take place, as set out in the submitted Phase 1 Habitat Survey Report, in the interests of the ecology of the area. Given the importance of the protected trees on and around this site, I consider it necessary to impose a condition requiring development to take place in accordance with the AIA. Landscaping is a reserved matter, so a separate condition requiring a landscaping scheme is not required.
22. The appellants have suggested that, as the site is largely level and well screened, a condition requiring details of any spoil removal to be agreed is not relevant. However, I note that part of the Council's reasons for suggesting this condition is "*to ensure appropriate disposal of spoil from the development*". I agree that this is a valid reason for imposing the condition, which I have amended to only apply if spoil is to be removed, and to be less prescriptive.
23. The Council has also suggested a condition removing many permitted development rights from the new dwellings. However, paragraph 53 of the Framework says that "*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do*

so". I have not been provided with such clear justification and have therefore not imposed this condition.

24. The appellants in their final comments have stated that they are "*generally in agreement with the planning conditions proposed by the LPA*". They have not objected to any of these proposed conditions being pre-commencement conditions. I have therefore taken this as agreement to that element of the relevant conditions.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted.

Baljit K Muston

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with drawing number 5085/201 REVISION B; 16.48-105; 16.48-106; 16.48-107 and CV8160478/SK01 REVISION P2 received on 18 December 2017, drawing number 16.48-101 REVISION F; 16.48-102 REVISION B; 16.48-104 REVISION A and 16.48-103 REVISION D received 27 February 2018; 903-02 and any plans and details approved under any subsequent approval of reserved matters applications and any conditions attached to such approvals.
- 4) Demolition or construction works shall take place only between 07:30 and 18:00 on Mondays to Fridays, between 08:30 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.
- 6) No development shall commence until a Construction Management Plan/Method Statement has been submitted to the Local Planning Authority. The plan/statement shall be implemented in full and retained until the

development has been constructed. Any deviation from this Statement shall be first agreed in writing with the Local Planning Authority.

- 7) No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.
- 8) No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
- 9) No dwelling shall be occupied until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling without a garage shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and shall be retained for this purpose at all times.
- 10) No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the principles of the Glanville Flood Risk Assessment (dated 4 December 2017).
- 11) No development shall commence until a scheme of ecological mitigation and management including a plan showing locations of any proposal has been submitted to and approved by the Local Planning Authority. The scheme of mitigation shall be informed by the conclusions and recommendations within the submitted Phase 1 Habitat Survey Report dated November 2017 by Ecoconsult Wildlife Consultancy. The approved mitigation shall be retained thereafter.
- 12) The development shall be carried out in accordance with the Arboricultural Impact Assessment prepared by S J Stephens ref 903 and dated 29 September 2017.
- 13) No spoil shall be removed from the site until full details of how any spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority.