



Residential development
of 39 dwellings with
associated landscaping, car
parking and access

Land off Chatburn Road,
Clitheroe

**Planning and Affordable
Housing Statement inc.
Statement of Community
Involvement**

April 2026

commissioned by:
Oakmere Homes

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1 Introduction

- 1.1 This Planning and Affordable Housing Statement has been prepared by S&L Planning Consultants on behalf of Oakmere Homes ('the Applicant') in support of its planning application for a residential development of 39 dwellings with associated landscaping, car parking and access on land off Chatburn Road, Clitheroe.
- 1.2 The proposed development is largely the same as that submitted previously in application 3/2019/0877 on 20th September 2019 in terms of the number, mix and layout of the dwellings, and the main difference being that access is now proposed directly from Chatburn Road via a new entrance road rather than via the adjacent Bowland Park housing development, and that connection is now limited to being an emergency vehicle and pedestrian and cycle link.
- 1.3 The previous application was made following the allowed appeal APP/T2350/W/19/3221189 at Henthorn Road, Clitheroe of 19th June 2019 and at a time when the housing land supply was 5.07 years. The Inspector concluded that whilst the presumption in favour of sustainable development at NPPF 11d (the 'tilted balance') was not engaged, Core Strategy Policies DMG2 and DMH3 should be still applied flexibly to boost supply by permitting suitable housing windfall development in the countryside adjoining the Clitheroe settlement boundary.
- 1.4 Following its non-determination by the Council, the previous application was initially allowed by appeal APP/T2350/W/20/3253310 on 10th November 2020 but, upon application by the Council, the decision was quashed by the High Court on 16th November 2021 on the grounds of the misinterpretation and misapplication of Core Strategy Policy DMG2. The appeal was re-determined on 24th August 2022, when the housing land supply was either 6.65 years or 14.2 years depending on the requirement, and dismissed on the basis of being contrary to Policies DMG2 and DMH3 and where the conflict with the development plan was not considered to be outweighed by material considerations.
- 1.5 Appeal decision APP/T2350/W/20/3253310 is nevertheless still an important material consideration in the determination of this resubmitted application which is made at a time when there is a five year housing supply shortfall meaning that that Policies DMG2 and DMH3 are out of date and cannot be given full development plan weight, and the presumption in favour of sustainable development at NPPF 11d (the 'tilted balance') is engaged.
- 1.6 This Planning and Affordable Housing Statement therefore explains why, given the changed housing supply circumstances, planning permission should now be granted. It demonstrates that the proposed development is in accordance with the relevant housing and general development management policies of the adopted Ribble Valley Core Strategy 2008 - 2028 which remain up to date and, although there is conflict with Key Statement DS1, Policy DMG2 and Policy DMH3, the resulting harm is limited and these policies are out of date due to the five year housing land shortfall. The lack of technical constraints and wide ranging benefits of the proposed development are undisputed and, therefore, justify a decision other than in accordance with the development plan. The resubmitted application is also in full accordance with Government policy to boost housing delivery, meet affordable and older people's housing needs and widen choice, use land efficiently and achieve sustainable development.

- 1.7 Consequently, it is demonstrated that having regard to the development plan and all material considerations there is a clear and compelling case for planning permission to be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 whereby the presumption in favour of sustainable development at NPPF 11d, the 'tilted balance', weighs firmly in favour of the resubmitted application and proposed development.

Supporting information

- 1.8 The following plans and supporting documents are submitted with the application:

a) Application drawings:

- Location Plan
- Topographical Survey
- Proposed Site Layout
- Ambleside House Type Plans and Elevations
- Borrowdale House Type Plans and Elevations
- Bowfell House Type Plans and Elevations
- Caldew House Type Plans and Elevations
- Eskdale House Type Plans and Elevations
- Grange House Type Plans and Elevations
- Grasmere House Type Plans and Elevations
- Grizedale House Type Plans and Elevations
- Rothay House Type Plans and Elevations
- Wasdale House Type Plans and Elevations
- Street Scenes
- Landscape Layout and Tree Survey Plans
- Tenure Plan
- Materials Layout Plan
- Surface Treatments Layout Plan
- Amenities Plan
- Boundary Treatments Plan

b) Application documents:

- Application form and certificate
- Planning and affordable housing statement
- Design and access statement
- Ecological appraisal
- Biodiversity net gain metric calculation and assessment
- Flood risk assessment and drainage report
- Transport statement
- Travel plan
- Site investigation and ground assessment report
- EV charger details
- Solar PV details

2 Site and surroundings

- 2.1 The application site is located on the northern edge of Clitheroe where it adjoins existing housing development and the settlement boundary on its west and south sides. It consists of a single field of 1.8 hectares and is contained by Chatburn Road, Pimlico Link Road and the Clitheroe - Settle railway line, beyond a stream and woodland, to the north.
- 2.2 The adjoining part of Clitheroe is characterised by modern housing development on Chatburn Road comprising High Beeches to the south, which is a scheme of 60 dwellings completed in 2021 under permission 3/2017/0616, and Bowland Park adjoining the site to the west, which is a scheme of 30 dwellings completed by Oakmere Homes in 2022 under permission 3/2017/0653 and using the same house type designs and materials as the proposed development. The site topography is gently sloping and it is enclosed by a stone wall, trees, woodland and property boundaries. It does not contain any natural and built features, is within Flood Zone 1 (net developable area), is not subject to any landscape, nature conservation and heritage designations, and is free from technical and environmental constraints.



Figure 1: Site location showing the application site boundary

- 2.3 The application site is a sustainable and accessible location within convenient walking and cycling distance, via Chatburn Road, of the extensive community facilities and amenities in and around Clitheroe town centre, approximately 1.2 km to the west, which will meet residents' daily needs. These include a wide range of shops, supermarkets, food and drink outlets, workplaces, Clitheroe hospital, primary care, dental and nursing healthcare, pharmacies, pre-schools, primary and secondary schools, community and youth facilities, libraries, places of worship, cultural and entertainment venues, leisure, parks, sport and recreation facilities, and Clitheroe bus station and Clitheroe railway station.
- 2.4 In addition, there are bus stops on Chatburn Road adjacent to the site which provide regular services to Clitheroe town centre, Blackburn, Preston and Skipton.

Relevant planning history

- 2.5 Its Statement of Case (enclosed at Appendix 1) for appeal APP/T2350/W/20/3253310 confirms that, if the Council had been able to determine the previous planning application 3/2019/0877, it would have refused planning permission for the single reason reproduced below in accordance with the officer's report recommendation (enclosed at Appendix 2) and Planning and Development Committee resolution of 25th June 2020:
1. *The proposal is considered contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification 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. It is further considered that the proposal fails to meet the requirements Key Statement DS1 insofar there are no identified regeneration benefits associated with the proposal.*
- 2.6 No other policies are identified in the Council's reason for refusal and, likewise, the Inspector's decision letter makes clear that the redetermined appeal APP/T2350/W/20/3253310 was dismissed solely on the basis of the conflict with the development strategy as defined in Key Statement DS1, Policy DMG2 and Policy DMH3. Subject to conditions and planning obligations, no design (including housing mix and tenure), landscape, environmental and technical harm was identified which would otherwise warrant refusal and rule the application site out as a suitable and sustainable location for appropriate new housing. The relevant paragraph extracts from the Inspector's decision letter (enclosed at Appendix 3) are:
- DL30 I recognise that the appeal site, notwithstanding the policy conflict set out above, is located near to the many local services and facilities within Clitheroe, which would be accessible to future residents by walking, cycling and public transport. I acknowledge that the appeal site is not isolated from local services and facilities and use of the private car would unlikely be required for all journeys.*
- DL31 I further acknowledge that the appeal site is well-contained within the landscape, being surrounded on its two 'outer' sides, i.e. those contiguous with the wider countryside, by a substantial stretch of woodland. The adjacent residential development stands on a third side, with the A671 being the fourth, on the opposite side of which is a further residential development and Clitheroe Community Hospital. The Council accepts that the proposal would not lead to harm to the character and appearance of the area, and given the site's immediate surroundings, I agree that residential development of the site, while clearly changing the existing agrarian character, would not have a tangible adverse effect on the character or appearance of the wider countryside surrounding Clitheroe.*
- DL32 No harm has been identified in respect of other matters including highway safety or neighbours' living conditions. I have no firm evidence to lead me to different conclusions in these matters.*

Statement of Community Involvement

- 2.7 The applicant has not undertaken additional community involvement for the application as the application is a resubmission of a previous application and interest within the development was limited. It is expected any comments received on the previous application would be repeated for this application.

3 Proposed development

3.1 The application seeks full planning permission for a residential development of 39 dwellings with associated landscaping, car parking and access. The proposed development is largely the same as that submitted previously in application 3/2019/0877 on 20th September 2019 in terms of the number, mix and layout of the dwellings, and the main difference being that access is now proposed directly from Chatburn Road via a new entrance road rather than via the adjacent Bowland Park housing development.

3.2 The dwellings are a mix of one, two, three, four and five bedroom detached and semi-detached houses and bungalows to meet market and affordable housing needs. There are eleven dwelling designs and materials are reconstituted stone and render with slate blue/grey tile roofs. Doors, windows, fascias and rainwater goods will be anthracite and black PVCU.

3.3 The affordable housing provision is 30% (12 plots) for affordable rent and shared ownership tenure. Six dwellings (15%) meet the Part M4(2) 'accessible and adaptable dwellings' optional building regulations standard for over 55 occupation and split into three (50%) of the market dwellings and three (50%) of the affordable dwellings. The schedule of accommodation is:

Design	Type	Size	Over 55	Tenure	Quantity
Rothay	house	2 bedroom	Yes - M4(2)	Market	2
Eskdale	house	3 bedroom	-	Market	2
Ambleside	house	4 bedroom	-	Market	2
Borrowdale	house	4 bedroom	-	Market	1
Bowfell	house	4 bedroom	-	Market	7
Grasmere	house	4 bedroom	-	Market	3
Wasdale	house	4 bedroom	-	Market	5
Grange	house	5 bedroom	-	Market	4
Grizedale	bungalow	2 bedroom	Yes - M4(2)	Market	1
				Total market	27 (70%)
Caldew	house	1 bedroom	-	Affordable rent	2
Rothay	house	2 bedroom	-	Affordable rent	2
Rothay	house	2 bedroom	-	Shared ownership	5
Wasdale	house	4 bedroom	Yes - M4(2)	Shared ownership	2
Grizedale	bungalow	2 bedroom	Yes - M4(2)	Shared ownership	1
				Total affordable	12 (30%)

3.4 The development is positioned within the site to optimise the housing yield whilst creating a high-quality living environment, at a suitable density of 22 dwellings per hectare (gross), which provides good-sized private rear gardens and landscaped roads and public realm areas, whilst providing sufficient off-set from the watercourse, woodland and overhead power lines, and protecting existing adjacent residents' privacy and amenity.

- 3.5 A single point of access is proposed from Chatburn Road and serves an estate road and private driveways with an emergency vehicle link from Bowland Park which also provides pedestrian and cycle access to that development and the existing public open space on the opposite side of the watercourse. Each dwelling is provided with a minimum of two in-plot car parking spaces, apart from plots 20 and 21) which have one space each, and EV charging will be provided for all plots.
- 3.6 The development will be landscaped with tree and hedge planting, and plots will be enclosed by 1.8m timber fencing and stone walls with 0.6m timber infill panels where rear garden boundaries face the street scene.
- 3.7 Biodiversity net gain will be achieved on site whereby the loss of 3.52 units of modified grassland habitat to accommodate the proposed development, can be off-set by enhancement of the retained modified and neutral grassland around the site margin, and enhancement of the watercourse and creation of a wetland area as part of the SuDS outfall. These measures will provide 3.23 habitat units and 2.40 watercourse units and result in a net gain of 0.08 units (10.01%) and thereby satisfying the statutory condition.

4 Planning policy

- 4.1 Relevant policy is provided in the adopted statutory development plan for Ribble Valley and in the National Planning Policy Framework (NPPF 2024) and the Planning Practice Guidance (PPG) which are important material considerations.

Development plan

- 4.2 This comprises the Ribble Valley Core Strategy covering the period 2008 to 2028 which was adopted in December 2014 and the Housing and Economic Development DPD which was adopted in October 2019. Both documents are more than five years old and have not been reviewed or updated as required by NPPF 34 and as a legal requirement of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.3 The Policies Map extract below shows that the application site is located in the countryside adjoining the built up area (black line) of Clitheroe (a Principal Settlement) on two sides.

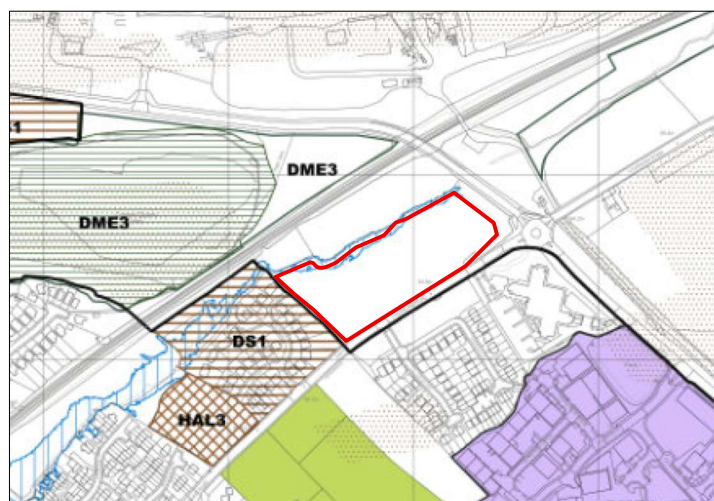


Figure 2: Ribble Valley Local Plan Policies Map extract

- 4.4 In this context, the most important policies for determining the planning application are:

- Key Statement DS1 Development Strategy - the majority of new housing is directed to the Standen strategic site, the Principal Settlements and Tier 1 villages, and is limited in Tier 2 villages and the countryside
- Policy DMG2 Strategic Considerations - this requires new development to be in accordance with the development strategy and to support the spatial vision of the development plan
- Policy DMH3 Dwellings in the open countryside - this restricts new housing development to that which meets agricultural and forestry workers' needs and other local housing needs, the conversion of existing buildings, and the replacement of existing dwellings.

4.5 Other relevant policies are;

- Key Statement DS2 Sustainable development
- Key Statement EN3 Sustainability and climate change
- Key Statement EN4 Biodiversity and geodiversity
- Key Statement H1 Housing provision
- Key Statement H2 Housing balance
- Key Statement H3 Affordable and older persons housing
- Policy DMG1 General considerations for all development
- Policy DMG3 Transport and mobility
- Policy DME1 Protecting trees and woodlands
- Policy DME2 Landscape and townscape protection
- Policy DME3 Site and species protection and conservation
- Policy DMH1 Affordable housing criteria
- Policy DMI1 Developer contributions
- Policy DMI2 Transport considerations

Other relevant policy considerations

a) Emerging Local Plan

4.6 The Council is preparing the Ribble Valley Local Plan Review to cover the period 2021 to 2038. To date, 'call for sites' exercises have been undertaken in 2021 and 2025, and a Strategic Matters Consultation (Regulation 18) was carried out in May 2022. The Local Development Scheme, revised in November 2025, confirms the following timeline for the remaining stages:

- Preferred Options Draft Consultation (Regulation 18) Spring 2026
- Publication Version Consultation (Regulation 19) Autumn 2026
- Submission to the Secretary of State by 31st December 2026
- Adoption Winter 2027

b) National Planning Policy Framework 2024

4.7 This sets out the Government's planning policies for England and how they should be applied. The parts most relevant to this application are:

Paragraph 8 The purpose of the planning system is to contribute to the achievement of sustainable development including the provision of new homes. This means the planning system has three overarching objectives: an 'economic objective', a 'social objective' and an 'environmental objective'.

Paragraph 11 The presumption in favour of sustainable development is at the heart of the NPPF. For decision-taking this means:

- c) approving development proposals which accord with an up to date development plan without delay; or

- d) granting permission where there are no relevant development plan policies or the most important policies for determining an application are out-of-date, unless:
 - i) NPPF policies that protect areas or assets of particular importance provide a strong reason for refusing development, or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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 combination.

- Paragraph 51 Refusing planning permission on grounds of prematurity is seldom justified where a draft plan has yet to be submitted for examination, and if refused, a local planning authority will need to indicate how granting permission will prejudice the outcome of the plan-making process.
- Paragraph 61 A key objective of the NPPF is to significantly boost the supply of homes by ensuring a sufficient amount and variety of land can come forward where it is needed to meet an area's identified housing need, and including with an appropriate mix of housing types for the local community.
- Paragraph 66 Major housing schemes should provide a mix of affordable housing to meets identified local needs across Social Rent and other tenures.
- Paragraph 78 This confirms that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- Paragraph 85 This confirms the Government is committed to securing economic growth and that the planning system should positively and proactively encourage sustainable economic growth. This includes housing development which the Government recognises is a key component of economic growth.
- Paragraph 96 Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lives by promoting good health and preventing ill-health.
- Paragraph 116 Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, and taking into account all reasonable future scenarios.

- Paragraph 124 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding the environment
- Paragraph 129 Development should make efficient use of land taking account of the need for different types of housing; market conditions and viability; infrastructure; the scope for sustainable travel; the desirability to maintain character and setting; and creating well-designed, attractive, healthy and safe places.
- Paragraph 170 Inappropriate development should avoid areas at highest risk of flooding and should be safe for its lifetime without increasing flood risk elsewhere.
- Paragraph 175 The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk¹ of flooding from any source, now and in the future.
- Paragraph 187 Planning decisions should d) provide net gains for biodiversity; and e) prevent development from contributing to or being harmed by pollution.
- Paragraph 193 When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- Paragraph 196 Development sites should be a) suitable for proposed use/s taking account of ground conditions and any risks arising from instability and contamination.

Housing Written Ministerial Statements

- 4.8 Fully aligned with the NPPF, the Government has made a series of commitments for fundamental and far-reaching reform of the planning system to deliver growth and end the housing crisis. The measures relevant to this application include:
- radically boosting housing supply and delivery by committing to an ambitious target to build 1.5 million new homes before 2030
 - restoring and mandating the standard method as the required approach for assessing housing needs and planning for new homes, and proposing a new methodology;

¹ The 17th September 2025 revision to PPG 7-023 '*What is the aim of the sequential approach?*' confirms that a sequential test is no longer required where 'a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (thereby addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere.'

- resetting the timescales and measures for local planning authorities to put up-to-date local plans in place and achieve universal coverage as soon as possible; and
- reforming and strengthening the presumption in favour of sustainable development, and reversing previous changes, to ensure that local planning authorities meet their housing needs in full wherever possible

- 4.9 The Written Ministerial Statement (HCWS48) 'Building the homes we need' published with the draft NPPF on 30th July 2024, states that the country is *"in the middle of the most acute housing crisis in living memory"* and makes clear that planning decisions *"should be about how to deliver the housing an area needs, not whether to do so at all"*.
- 4.10 The Written Ministerial Statement (HCWS308) 'Building the homes we need' published with the NPPF on 12th December 2024, reconfirms the commitment to delivering 1.5 million new homes before 2030 to address the *"acute and entrenched housing crisis"* by *"rapidly driving up planning consents in the context of a system with woefully inadequate local plan coverage will increase the number of permissions secured outside of local plan allocations in the short-term. Therefore, where it applies, the presumption in favour of sustainable development must have real teeth. The changes we make today ensure that the presumption carries real weight, acting as a significant adjustment to the decision-making balance in favour of approving development."*

Consultation Draft National Planning Policy Framework 2025

- 4.11 A revised draft NPPF was published for consultation between December 2025 and March 2026. It continues to emphasise the Government's commitment to planning reform for increased and accelerated delivery of new homes and meeting a mixed and diverse range of housing needs to end the housing crisis. It is capable of being a material consideration in the determination of this application.
- 4.12 It maintains and reinforces a presumption in favour of sustainable development which, if applied to this application, is set out in the national decision-making policies S3 and S5:

Policy S3: Presumption in favour of sustainable development:

1. *Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
 - b. *Outside settlements, Policy S5 should be applied*

Policy S5: Principle of development outside settlements:

1. *Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*

- j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:*
 - i. be well related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure*
- 2. In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.*

5 Planning assessment

5.1 The issues to be considered in determining this planning application are:

- 1) whether the application site is a suitable location for the proposed housing development having regard to local and national planning policies
- 2) whether the proposed development is acceptable in all other respects including:
 - a) affordable housing provision
 - b) housing density and mix
 - c) character and appearance of the local area
 - d) residential amenity
 - e) trees and hedgerows
 - f) ecology and biodiversity net gain
 - g) flood risk and drainage
 - h) ground conditions
 - i) accessibility and highways

5.2 These issues are considered below and, after which, the overall planning balance is drawn.

Issue 1) Suitability of the site location for the proposed housing development

a) The extent of harm caused by a conflict with Key Statement DS1 and Policy DMG2

5.3 The application site lies adjacent to, and directly adjoins, the settlement boundary of Clitheroe on its west and south sides, and is a sustainable location which is accessible to a wide range of local services and facilities in Clitheroe town centre and the local area for the day to day needs of residents. These are accessible by walking and cycling along Chatburn Road and there is also a bus service along Chatburn Road to the town centre, Blackburn and Preston. This was not contested by the Council in connection with the previous planning application 3/2019/0877 and was confirmed by the Inspector redetermining appeal APP/T2350/W/20/3253310.

5.4 On this basis, notwithstanding that there may be some dependence on the use of a private car for some journeys, the application site is clearly not an isolated or unsustainable location in Ribble Valley and, nor is there specific harm in terms of its accessibility to, and the availability of, local services and facilities.

5.5 The scale of the proposed development of 39 dwellings relative to both the physical and population size of Clitheroe, and overall up to date local housing needs in Ribble Valley calculated using the standard method, also means that no harm is caused to the continued application and effectiveness of the spatial development strategy, as a development management policy, in directing the majority of new development to the Principal Settlements and Tier 1 Villages and, plainly, it will not be compromised or undermined by the approval of the proposed development in this case and will not result in unsustainable development.

- 5.6 Overall, the extent of any 'policy-only' harm caused by a conflict with Key Statement DS1 and Policy DMG2 is therefore very limited and there is no actual demonstrable harm in practice.

b) The extent of harm caused by a conflict with Policy DMH3

- 5.7 The supporting text of Policy DMH3 says that 'the protection of the open countryside from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching core strategy vision'. In this respect, whilst the application site is outside the settlement boundary for Clitheroe, it was acknowledged by the Council in connection with the previous planning application 3/2019/0877 and confirmed by the Inspector redetermining appeal APP/T2350/W/20/3253310, that 'it is visually enclosed and well contained within the landscape, and the proposed development will not have a tangible adverse effect on the character or appearance of the wider countryside.'
- 5.8 This means that the site does not have the character and appearance, and does not function, as an area of true 'open countryside' but instead is markedly contained, visually distinct and annexed from the wider countryside. The proposed development is finite and relates well to the existing built form of Clitheroe, and the role, function and purpose of the wider countryside will therefore not be undermined.
- 5.9 The extent of harm caused by a conflict with Policy DMH3 is therefore limited.

c) The degree of weight to be given to the identified policy conflict

- 5.10 Development plan policies which are most important for determining a planning application are out of date in situations where a local planning authority cannot demonstrate a five year supply of deliverable housing land and/or where a local planning authority does not have an adopted development plan which is up to date (i.e. consistent with the NPPF).
- 5.11 For the purposes of determining this application, the Council has confirmed that it cannot demonstrate a five year housing land supply. The current Housing Land Supply Statement is dated May 2025 and shows a 6.2 year supply as at 31st March 2025, however, following the Inspector's conclusions in the allowed appeal APP/T2350/W/25/3372635 for land south of Chatburn Old Road, Chatburn on 7th January 2026, the supply has reduced² to only 3.45 years.
- 5.12 In the absence of a five year supply, the development strategy, settlement boundary and housing supply policies of the adopted development plan are out of date because, collectively, they are preventing a sufficient number of suitable sites being delivered to maintain a five year housing land supply. These policies should therefore be given reduced weight in the planning balance for the purposes of determining this planning application.

² By not deducting the over-supply in previous years and by discounting the deliverable supply from 1,324 dwellings to 1,130 dwellings

- 5.13 The Council agrees, and has confirmed this, in its statement of case and planning evidence, and also the signed statement of common ground, for the current appeal 6002485 against the refusal of outline planning application 3/2025/0196 for the erection of 300 dwellings at Longsight Road, Langho.
- 5.14 The Council's position³ is that it acknowledges there is a five year housing land supply shortfall and, therefore, Key Statement DS1, Key Statement H1, Policy DMG2 and Policy DMH3 are fully or partly out of date insofar that they collectively serve to restrict new housing development outside settlement boundaries. The Council has confirmed that it is therefore no longer contesting the conflict with these policies, as they cannot be given full development plan weight for decision making, and has withdrawn Reason for Refusal 1 in that appeal which is:
1. *The proposed development would result in a large-scale residential development, outside of a defined settlement, which fails to meet any of the exception criteria for allowing development in such location contrary to Key Statements DS1 and H2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy.*

d) The application determination process

- 5.15 In the absence of a five year housing land supply, NPPF 11d is engaged for the purposes of determining this planning application, and which the Council also confirms⁴ in the current appeal 6002485.
- 5.16 Engaging the presumption in favour of sustainable development at NPPF 11d means that opportunities to support planning applications which will deliver new housing must be looked upon favourably wherever possible. This applies now, with full weight, and means that the policies which are most important for determining this planning application are out of date. The NPPF 11d planning balance is carried out in Section 6 of this Statement.

Conclusion on Issue 1

- 5.17 Despite being outside, but immediately adjacent to, the settlement boundary of Clitheroe, and thereby just beyond a location where growth is supported by Key Statement DS1 and Policy DMG2 of the Core Strategy, the proposed development will contribute to meeting housing needs in Ribble Valley at a time when the Council is unable to demonstrate a five year housing supply.
- 5.18 The credentials of the application site mean that it is a sustainable location and, given its context and containment adjacent to new housing development, there is very little harm to the countryside and the objective of Policy DMH3 in protecting the countryside from sporadic and visually harmful development.

³ see paragraphs 6.6 and 6.12 of the 'matters not in dispute' in the Planning Statement of Common Ground, paragraphs 4.3, 4.4 and 4.5 of the Council Statement of Case and paragraphs 1.3, 1.4 and 3.4 of the Council Planning Proof of Evidence

⁴ see paragraph 4.3 of the Council Statement of Case

- 5.19 Consequently, only limited weight should therefore be given to any conflict with Key Statement DS1, Policy DMG2 and Policy DMH3 of the Core Strategy in the NPPF 11d planning balance to determine this application.

Issue 2) Whether the proposed development is acceptable in all other respects

- 5.20 When the Council decided its case in connection with the previous application 3/2019/0877 and appeal APP/T2350/W/20/3253310, for largely the same development as that proposed in this application, it resolved that it would have refused planning application for the sole reason that development would be contrary to Key Statement DS1, Policy DMG2 and Policy DMH3 in that approval would result in unjustified new housing development in the open countryside outside a settlement boundary.
- 5.21 No other policies were identified in the Council's committee report and reason for refusal (see Appendix 2) and, likewise, the Inspector's decision letter (see Appendix 3) makes clear that the redetermined appeal APP/T2350/W/20/3253310 was dismissed solely on the basis of the conflict with the development strategy as defined collectively in Key Statement DS1, Policy DMG2 and Policy DMH3.
- 5.22 The extent of development plan conflict is therefore limited and narrow, and that extent of harm identified by the Council and Inspector is the totality of harm which results from the proposed development⁵, and is confirmed by the absence of any technical and environmental reasons for refusal.
- 5.23 The proposed development in this new application is largely unchanged from application 3/2019/0877 with the main difference being that access is now proposed directly from Chatburn Road via a new entrance road rather than via the adjacent Bowland Park housing development. There has also been no adverse change in circumstances concerning the condition and context of the application site since the redetermination of appeal APP/T2350/W/20/3253310 in August 2022.
- 5.24 It is therefore considered that, subject to conditions and planning obligations, there are no design (including housing mix and tenure), environmental and technical matters which are unacceptable and could otherwise justify refusing planning permission for the resubmitted proposed development. Therefore only a short summary of the relevant material considerations is necessary for the purposes of this Statement and is set out as follows.

a) Affordable housing provision

- 5.25 The proposed development provides 12 dwellings (30% of the scheme) as affordable housing, comprising a range of one, two and four bedroom homes, including a bungalow, to meet local needs. These will be a 'tenure blind' design and offered to a registered provider as 25% rental and 75% shared ownership properties.

⁵ This is set out very clearly by the Inspector at DL32 of APP/T2350/W/20/3253310 (Appendix 3)

- 5.26 This is unchanged from the final affordable housing scheme (amended plans of 20th November 2019) included in the previous application 3/2019/0877 and the mix and tenure of which was requested by officers and was considered acceptable as the Committee Report (see Appendix 2) confirms. The proposed development therefore complies with the requirements of Key Statement H3 and Policy DMH1 of the Core Strategy and NPPF 66.

b) Housing density and mix

- 5.27 The density and housing mix is unchanged from the final layout and mix (amended plans of 20th November 2019) included in the previous application 3/2019/0877 and agreed with officers as the Committee Report (see Appendix 2) confirms, including six (15%) Part M4(2) dwellings and two bungalows (split 50% market and 50% affordable) suitable to meet older people's (over 55) housing needs. The proposed development therefore complies with the requirements of Key Statements H2 and H3 of the Core Strategy and NPPF 124 and 129.

c) Character and appearance of the local area

- 5.28 The layout and appearance of the proposed development is unchanged from application 3/2019/0877 and the house designs and materials are the same as those used in the adjacent Bowland Park development. The Committee Report (see Appendix 2) records that "the development would not result in any measurable detrimental impact upon the character or visual amenities of the area when taking account of the external appearance and pattern of development inherent to adjacent and nearby built-form" and, at DL31 (see Appendix 3) the Inspector in appeal APP/T2350/W/20/3253310 concluded that the "proposal would not lead to harm to the character and appearance of the area" and "would not have a tangible adverse effect on the character or appearance of the wider countryside surrounding Clitheroe."
- 5.29 On this basis, the proposed development will have a localised visual effect and is appropriate to the character and appearance of the surrounding part of Clitheroe. It therefore accords with Policy DMG1 and Policy DME2 of the Core Strategy and NPPF 131 and 135.

d) Residential amenity

- 5.30 The only part of the proposed development which can affect the residential amenity of neighbouring properties is that comprising plots 1 to 6 along the south west boundary of the application site. The layout of these plots and relationship with existing properties, in terms of orientation and separation / interface distances, is broadly unchanged from the previous application 3/2019/0877. The Committee Report (Appendix 2) records that officers did "not consider the development would have any undue impact upon existing residential amenity by virtue of direct -overlooking, loss of light or an overbearing impact" and, at DL32 (Appendix 3) the Inspector in appeal APP/T2350/W/20/3253310 concluded that the "no harm has been identified in respect of other matters including highway safety or neighbours' living conditions. I have no firm evidence to lead me to different conclusions in these matters." On this basis, the proposed development is acceptable in terms of protecting the amenity of neighbouring properties and in accordance with Policy DMG1 of the Core Strategy and NPPF 131 and 135.

e) Trees and hedgerows

- 5.31 The application is accompanied by a Tree Survey plotted on the landscape proposal drawings C-981-30-Rev-D and C-981-31-Rev-D. This confirms that four trees within and on the boundary of the application site have died since the last tree survey accompanying the previous planning application 3/2019/0877, and the condition of those remaining has begun to decline. However, and as before, it is not necessary to remove any trees to accommodate the proposed development, so there is no change in terms of the merit of the application and the same level of high-quality new tree planting and landscaping is still proposed. The development is therefore acceptable on arboricultural grounds and in accordance with Policy DMG1 and Policy DME1 of the Core Strategy and NPPF 136.

f) Ecology and biodiversity net gain

- 5.32 The application is accompanied by an Ecological Appraisal prepared in April 2026 which updates that carried out in August 2019 by the same consultant, Envirotech, for the previous planning application 3/2019/0877. The results are unchanged and it confirms that the proposed development is feasible and acceptable in ecological terms, and can deliver compensatory planting and ecological enhancement for wildlife associated with residential areas. The Committee Report (see Appendix 2) records that that there was no objection to the previous development on ecological grounds and there continues to be no conflict with Key Statement EN4 and Policy DME3 of the Core Strategy and NPPF 187 and 193.
- 5.33 A biodiversity impact assessment is also submitted with the application. It shows that the baseline values are 3.52 habitat units and 2.03 watercourse units. The proposed development will result in the loss of 0.29 habitat units (-8.22%) and its landscaping and ecology measures will provide a gain of 0.37 (+18.23%) watercourse units. An overall net gain of 0.08 units (10.01%) is therefore achieved and will satisfy the statutory biodiversity net gain condition.

g) Flood risk and drainage

- 5.34 The application is accompanied by a site-specific Flood Risk Assessment and Drainage Strategy. This confirms that the extent of flood risk, from all sources, is largely unchanged from the previous planning application 3/2019/0877. The net developable area will be entirely within the Flood Zone 1 area, and at very low risk of <0.1% (1 in 1000) annual probability of current and future flooding from rivers and sea, and at no risk of flooding from any other source including surface water.
- 5.35 On this basis, and with finished floor level mitigation, none of the vulnerable development within the application site boundary is at risk of flooding from any source, now and in the future, and, therefore, the sequential and exception tests do not apply. The Committee Report (see Appendix 2) records that that the Environment Agency did not object to the previous application 3/2019/0877 on flood risk grounds and it remains the case that the proposed development is safe from flooding and will not cause or increase the risk of flooding elsewhere. It is therefore in accordance with Key Statement EN3 and Policy DME6 of the Core Strategy and NPPF 170 and 175.

- 5.36 It is proposed to drain surface water from the proposed development at an attenuated 1 in 1 year green field run-off rate, via a piped pumped network with underground storage, into the watercourse along the north boundary of the site. The SuDS hierarchy has therefore been complied with, whereby the ground conditions within the site are not conducive to infiltration. Foul water will be discharged into the public sewer system in Chatburn Road via a pumping station and rising main, and this is also unchanged from the previous application 3/2019/0788. The Committee Report (see Appendix 2) records that that the Local Lead Flood Authority and United Utilities did not object to the previous scheme on drainage grounds and it remains the case that the proposed development can therefore be provided with appropriate surface water and foul water drainage infrastructure. It is therefore in accordance with Key Statement EN3 and Policy DME6 of the Core Strategy and NPPF 164 and 182.

h) Ground conditions

- 5.37 The application is supported by a Site Investigation and Ground Assessment report which has been carried out by the same consultant, BEK Enviro, who provided the assessment for the previous planning application 3/2019/0877. It confirms that ground conditions within the application site have not deteriorated since the previous assessment in 2019 and there has been no change ground contamination and ground gas levels. On this basis and subject to the recommended mitigation measures, the proposed development is safe and acceptable to human health in terms of ground contamination and geotechnical conditions, and is therefore in accordance with Policy DMG1 of the Core Strategy and NPPF 196.

i) Accessibility and highways

- 5.38 The application is accompanied by a Transport Statement which confirms that the revised access proposed directly from Chatburn Road, rather than via the adjacent Bowland Park housing development as in the previous planning application 3/2019/0788, is safe and can be provided with necessary visibility splays and accommodate refuse and emergency vehicles.
- 5.39 Non-car accessibility to the site remains unchanged since the previous application 3/2019/0877 and the proposed development will be sustainable with good pedestrian and cycle access to the range of community facilities in Clitheroe, as well as good public transport and secondary school bus services. The amount and mix of proposed housing is unchanged and the forecast traffic generation remains at a level where it will not have a severe cumulative effect on the operation and safety of Chatburn Road and the local highway network.
- 5.40 The Committee Report (see Appendix 2) records that Lancashire County Council Local Highway Authority did not object to the previous planning application 3/2019/0788 and, at DL30 and DL32 (see Appendix 3) the Inspector redetermining appeal APP/T2350/W/20/3253310 concluded that “the appeal site is not isolated from local services and facilities and the use of the private car would unlikely be required for all journeys” and “no harm has been identified in respect of other matters including highway safety or neighbours’ living conditions. I have no firm evidence to lead me to different conclusions in these matters.”

- 5.41 On this basis, the proposed development is acceptable in terms of non-car accessibility, vehicle access, and highway network operation and safety, and there is no conflict with Key Statement DS2, Policy DMG3 and Policy DMI2 of the Core Strategy and NPPF 116.

Conclusion on Issue 2)

- 5.42 The above summary of the evidence submitted in support of the planning application clearly demonstrates that there are no technical and environmental matters which preclude the delivery of the proposed development at the application site.

6 Planning balance

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and states, that 'if regard is to be had to the development plan for the purposes 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'.
- 6.2 The relevant policies of the adopted development plan are therefore the starting point for decision taking but a policy conflict can be outweighed by material considerations so that a determination other than one in accordance with the development plan, is justified.
- 6.3 The evidence supporting this application and the planning history concerning the previous application 3/2019/0788 and appeal APP/T2350/W/20/3253310 for largely the same scheme, confirms that the proposed development complies with all but three of the relevant policies of the development plan as shown below, and of these, there is only 'in-principle' conflict with Key Statement DS1 and Policy DMG2 of the Core Strategy and no harm in practice.

Policy		Compliance
Key Statement DS1	Development Strategy	No
Key Statement DS2	Sustainable Development	Yes
Key Statement H1	Housing Provision	Yes
Key Statement H2	Housing Balance	Yes
Key Statement H3	Affordable Housing	Yes
Key Statement EN3	Sustainable Development and Climate Change	Yes
Key Statement EN4	Biodiversity and Geodiversity	Yes
Key Statement DMI1	Planning Obligations	Yes
Key Statement DMI2	Transport Considerations	Yes
Policy DMG1	General Considerations	Yes
Policy DMG2	Strategic Considerations	No
Policy DMG3	Transport and Mobility	Yes
Policy DME1	Protecting Trees and Woodland	Yes
Policy DME2	Landscape and Townscape Protection	Yes
Policy DME3	Site and Species Protection and Conservation	Yes
Policy DME6	Water Management	Yes
Policy DMH1	Affordable Housing Criteria	Yes
Policy DMH3	Dwellings in the Open Countryside	No

- 6.4 The only conflict is with Key Statement DS1, Policy DMG2 and Policy DMH3 but, as the Council has accepted, this should not attract full (or any) development plan weight in the absence of a five year housing land supply, and is capable of being outweighed if, in accordance with the presumption in favour of sustainable development at NPPF 11d, the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits.

Determination applying NPPF 11d - the 'tilted' balance

- 6.5 The tilted balance is engaged for the purposes of determining this planning application by the five year housing land supply shortfall in Ribble Valley. As there has been no change in planning policy circumstances⁶ and the condition and context of the application site has not changed since the Council resolution to adopt a single reason for refusal in connection with the previous planning application 3/2019/0788 on 25th June 2020 and the redetermination of planning appeal APP/T2350/W/20/3253310 on 24th August 2022, the application site remains highly suitable for the proposed housing development and the tilted balance should be carried out on the basis of this same, unchanged, baseline position.

NPPF 11d(i)

- 6.6 It is clear that none of the policies listed in NPPF Footnote 7 which protect areas or assets of particular importance (i.e. habitats sites, SSSIs, Green Belt, Local Green Space, National Landscapes, National Parks, irreplaceable habitats; designated heritage assets and areas at risk of flooding) provide a strong reason for refusing planning permission for the proposed development in this application.
- 6.7 In respect of flood risk, whereby there is a linear area of Zone 2 and Zone 3 flood risk along the watercourse within the application site, the proposed net developable housing area is set clear of this to ensure that no vulnerable development is within the mapped flood risk area and, with mitigation, future residents will be safe from residual flood risk. This is explained in the site-specific Flood Risk Assessment and Drainage Strategy and there is, consequently, no conflict with the policies and requirements of NPPF 170 to 182, and therefore none of the policies in NPPF Footnote 7 disengage the tilted balance.

NPPF 11d(ii)

- 6.8 It is clear that the adverse impacts of granting planning permission for the proposed development do not significantly and demonstrably outweigh its range of benefits when assessed against the policies of the NPPF as a whole.

a) Adverse impacts

- 6.9 The Council committee report (see Appendix 2) and resolution to adopt only a single reason for refusal in connection with the previous planning application 3/2019/0788, and the Inspector's decision for the redetermine appeal APP/T2350/W/20/3253310 (see Appendix 3), confirm that the only harm which will be caused by granting planning permission for the proposed development, is the 'policy-only' harm which results from the conflict with Key Statement DS1 and Policy DMG2, with no actual demonstrable harm in practice, and the small amount of harm which results from the conflict with Policy DMH3. This is the totality of harm associated with this planning application and to be considered in its determination.

⁶ Other than the change in the five year housing land supply position

- 6.10 Whereas this policy harm was given full development plan weight in the redetermination of appeal APP/T2350/W/20/3253310 (see Appendix 3), because a five year housing land supply was in place at that time, this is no longer the case and the Council acknowledges⁷ that Key Statement DS1, Policy DMG2 and Policy DMH3, which are the most important for determining the application, are now fully or partly out of date insofar that they collectively serve to restrict new housing development outside settlement boundaries.
- 6.11 The conflict with these policies can therefore now only be given limited weight for the purposes of determining this planning application and this is acknowledged by the Council in its decision to no longer contest the conflict, and withdraw Reason for Refusal 1, in its case in appeal 6002485 against the refusal of outline planning application 3/2025/0196 for the erection of 300 dwellings at Longsight Road, Langho.

b) Benefits

- 6.12 The Council, in its committee report (see Appendix 2), and the Inspector, in their decision to redetermine appeal APP/T2350/W/20/3253310 (see Appendix 3), do not dispute the benefits which the proposed development will deliver. These are important material considerations which, individually and collectively, weigh heavily in favour of the planning application.
- Boosting housing supply: it is well established in national policy, ministerial statements (HCWS308) and appeal decisions, that the contribution to meeting local housing needs and boosting supply (at any scale) in the absence of a five year housing land supply, is a foremost benefit of the proposed development. This is also in the national context of the Government commitment to rapid, radical and decisive change to boost housing supply by building 1.5 million homes before 2029/30 to remedy the housing crisis, and the local context of the increased up to date local housing need of 311 dpa for Ribble Valley, as a result of the current standard method, compared to the adopted housing requirement of 280 dpa, and whereby the emerging Ribble Valley Local Plan Review will not be adopted for at least another 18 to 24 months.
 - Providing affordable and specialist housing and widening choice: it is also well established, that the contribution to meeting affordable and specialist housing needs, which are both high-priorities in Ribble Valley, is a further benefit of the proposed development. The scheme provides 30% mixed-tenure affordable housing in accordance with up-to-date needs, and a mix of house types and sizes, including M4(2) homes and bungalows for older people (over 55), and homes for new and growing working families.
 - Local economic benefits: the proposed development will help to support local businesses and community services and facilities in Clitheroe through the provision of additional and sustained demand and expenditure potential, it will generate new council tax receipts and it will create economic, employment and skills benefits during construction in the form of full and part time jobs, training opportunities and supply chain spending.

⁷ In its evidence for appeal 6002485 at Longsight Road, Langho.

- Environmental benefits: the proposed development will also provide landscaping, tree and hedgerow planting, and on-site biodiversity net gain including the enhancement of the watercourse and removal of invasive Himalayan Balsam for a period of 30 years.

6.13 These benefits can be given substantial weight, collectively, for the purposes of determining this planning application

Conclusion of the NPPF 11d 'tilted' balance

6.14 In conclusion, applying NPPF 11d(ii), it is very clear that the limited harm of granting planning permission for the proposed development does not significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole.

6.15 Finally, NPPF 11d(ii) also requires that 'particular regard' is given to four key policies as follows:

i) Directing development to sustainable locations:

The Council, in its committee report (see Appendix 2) for the previous planning application 3/2019/0788, and the Inspector redetermining appeal APP/T2350/W/20/3253310 (see Appendix 3), confirms that the application site is a sustainable location for the proposed housing development adjacent to the settlement boundary of Clitheroe and within walking and cycling distance of a wide range of facilities in the town centre and local area, and with good links to bus and rail travel. The proposed development therefore complies with the objectives and requirements of NPPF 84, NPPF 110 and NPPF 115.

ii) Making effective use of land:

The Council, in its committee report (see Appendix 2) for the previous planning application 3/2019/0788, and the Inspector redetermining appeal APP/T2350/W/20/3253310 (see Appendix 3), does not disagree that the proposed development will make best use of the application site to achieve a density and yield which is in keeping with the character and appearance of the surrounding area and makes efficient and effective use of the land. The proposed development will clearly comply with the criteria of NPPF 129.

iii) Securing well-designed places:

The Council, in its committee report (see Appendix 2) for the previous planning application 3/2019/0788, and the Inspector redetermining appeal APP/T2350/W/20/3253310 (see Appendix 3), does not disagree that the proposed development will achieve a high-quality design which is visually attractive and in keeping with the character and appearance of the surrounding area, and provides a pleasant living environment and safe and inclusive community for residents. The proposed development will clearly comply with the criteria of NPPF 135.

iv) Providing affordable homes:

The proposed development will meet affordable housing needs by providing 30% on-site affordable housing in accordance with Key Statement H3, for affordable rent and shared ownership tenures. The proposed development therefore complies with the requirements of NPPF 66.

- 6.16 On this basis, the 'tilted balance' clearly weighs firmly in favour of the proposed development and confirms that planning permission should be granted.

Overall conclusion

- 6.17 Overall, there is a clear and compelling case for planning permission to be granted for the proposed development in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and NPPF 11d, whereby the 'tilted balance' firmly indicates that planning permission should be granted.

Appendices

Appendices

Appendix 1

**RVBC Statement of Case for
appeal APP/T2350/W/20/3253310**

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

STATEMENT OF CASE

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/20/3253310
LPA Application Reference:	3/2019/0877

Appeal by Oakmere Homes (NW)

Against the failure of Ribble Valley Borough Council to determine application 3/2019/0877 within the appropriate time period.

Erection of 39 dwellings with landscaping, associated works and access from adjacent development site.

Land at the junction of Chatburn Road and Pimlico Link Road Clitheroe BB7 2EQ

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

Introduction

1.1 The appeal is against the failure of Ribble Valley Borough Council to determine the application for the erection of 39 dwellings with landscaping, associated works (access from adjacent development site) at land at the junction of Chatburn Road and Pimlico Link Road Clitheroe within the requisite agreed timeframe.

1.2 Following the receipt of the non-determination appeal the application was taken forward to the local authority's Planning and Development Committee on the 25th of June 2020 to seek a resolution as to how the application would have been determined should the authority have been given the opportunity to do so. The officer report was taken forward with a recommendation to refuse the granting of planning permission. The Planning Committee resolved to agree with the officer recommendation and in doing so determining that the application would have been refused for the following reason(s):

1. The proposal is considered contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification 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. It is further considered that the proposal fails to meet the requirements Key Statement DS1 insofar there are no identified regeneration benefits associated with the proposal.

Appeal Site and Surrounding Context

2.1 The application relates to an area of greenfield land located to the northern-eastern extents of the settlement of Clitheroe. The site is 1.8 Hectares in size being located outside of but directly adjacent the defined settlement boundary of Clitheroe, as such the site is located on land that benefits from a defined open countryside designation.

2.2 The site is bounded to the south-east by the A671 with the A671/Pimlico Link Road roundabout also being located adjacent the north-eastern extents of the site.

- 2.3** The northern and eastern extents of the proposal site are bounded by a significant area of woodland planting, with the site directly interfacing with the adjacent housing development site to the south-west.
- 2.4** Vehicular access to the site is provided via an existing vehicular access off Chatburn Road that has been constructed pursuant to an extant consented development (3/2017/0653) that is currently under construction directly to the south-west. A further pedestrian access is also provided directly off the Chatburn Road footway towards the north-eastern extents of the site.

Relevant Planning Policy & Guidance

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

National Policy Context

- 4.1** The National Planning Policy Framework (February 2019) provides the most up to date national planning policy context for the determination of the appeal and is therefore a material consideration in the determination of the appeal.
- 4.2** The NPPF (Para.2) reaffirms that the planning system is plan-led and that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Local Policy Context

- 5.1** The Inspector's final report into the examination of the Core Strategy is dated 25th November 2014 and was made public at 9.00am on Tuesday 2nd December 2014. The Inspector (Simon Berkeley) concluded that, with the recommended main modifications set out in the Appendix to the Inspector's report, the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. The formal adoption of the Core Strategy (including the Inspector's modifications) was considered and adopted at a Meeting of Full Council on Tuesday 16th December 2014.

5.2 In view of the Inspector's conclusions and the subsequent formal adoption of the Core Strategy the local planning authority considers that full weight can now be given to the Core Strategy which fully supersedes the Districtwide Local Plan (1998) and is therefore the starting point for all decision making within the Borough.

5.3 Subsequent to the submission of the application the authority, on the 15th of October 2019 formally adopted the Housing and Economic Development, Development Plan Document (HED DPD) which outlined detailed policy coverage in relation to matters of housing and economic development to assist in the full implementation of the policies of the adopted Core Strategy. Amongst other matters the document allocated land for residential development to meet housing requirements for the duration of the plan period (2008 – 2028).

Principle of Development

6.1 The application site lies within the defined open countryside being located outside of the defined settlement of Clitheroe, as such and given the application seeks consent for new residential development Policies DMH3 and DMG2 are fully engaged. Both policies seek to restrict residential development within the defined countryside to that which meets a number of criteria, one of which being that which satisfies an identified local need.

6.2 In this respect, when assessing the locational aspects of the development, Policy DMG2 states that within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

1. The development should be essential to the local economy or social wellbeing of the area.
2. The development is needed for the purposes of forestry or agriculture.
3. The development is for local needs housing which meets an identified need and is secured as such.
4. The development is for small scale tourism or recreational developments appropriate to a rural area.
5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

6.3 In this respect the applicant has not provided any supporting information as to how the application seeks to meet an identified or evidence outstanding need nor does the Local

Authority consider or have evidence that there is a clear identified need for housing that must be met in this location.

- 6.4** Whilst the authority recognises there is a borough-wide need for affordable housing and the benefits associated with the delivery of such housing, in this case, the development of open-market residential development within this location (in the absence of identified or evidenced need) would be considered to be indirect conflict with Policies DMH3 and DMG2.
- 6.5** The Ribble Valley Core Strategy states that local needs housing is *‘the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.’* with the supporting text to Key Statement H2 reaffirming that *‘the most recent SHMA and Housing Needs Survey and waiting list evidence would always be used in determining if the proposed development meets the identified need’*.
- 6.6** Key Statement H2 reiterates this approach stating that *‘planning permission will only be granted for residential development providing it can be demonstrated that it delivers a suitable mix of housing that accords with the projected future household requirements and local need across the Ribble Valley as a whole as evidenced by the Strategic Housing Market Assessment’*.
- 6.7** In ensuring that a suitable proportion of housing within the borough meets local needs, the adopted Core Strategy states that information contained in the LDF evidence base assists in ensuring that this is made possible. The Strategic Housing Market Assessment (SHMA) is the most appropriate way of doing this as it incorporates information from the Housing Needs Surveys and combines this information with future population and household projections. Linking this information with the SHLAA assists in highlighting where the housing to meet local needs is required to be located.
- 6.8** In this respect it is clear that the adopted development plan places a full emphasis on the currently held evidence base being used to determine whether an outstanding housing need still exists. Based on the latest published monitoring position (HLAS March 2020 Appendix 02) the authority is of the opinion that it has granted sufficient consents, for new residential dwellings, to take account of the needs and projections as reflected within the evidence base.
- 6.9** As such, and in the absence of the applicant providing evidence to suggest otherwise, the Local Planning Authority considers that the proposal cannot be supported given there is no

evidenced need to meet the exception criterion contained within DMG2 or DMH3 and as such it cannot be argued that there exists any impetus to grant further consents for residential dwellings, outside the defined settlement boundary, in this location.

Observations/Comments Appellants Case

Matters Relating to Housing Supply

- 7.1** The Inspector will note that prior to the submission of the appeal the authority published its latest housing monitoring position contained within the Housing Land Availability Survey (March 2020) (Appendix 01) and an additional Housing Land - 5 Year Supply Statement (March 2020) (Appendix 02) in respect of the methodologies adopted. Both these documents have been appended separately as part of the submission on behalf of the Local Planning Authority.

Matters Relating to Conflict with the Adopted Development Plan

- 8.1** Turning to Policy DMH3, the requirements of the policy are explicit insofar that residential development in the defined open countryside will be limited to (among other criterion) development 'which meets an identified need'. In this respect the authority contends that the policy does contain a test related to need insofar that need must clearly be evident, evidenced or proven if a proposal is to be considered to be in compliance with this requirement of DMH3.
- 8.2** The appellant further states that they do not consider that *'the proposed development must meet an outstanding housing need'* nor is there any requirement to demonstrate as such. However, it is clear that when engaged, the exception criterion of both Policies DMG2 and DMH3 (among other exceptions) require that residential development outside of defined settlements be restricted to that of local needs housing which meets an identified need. Furthermore Key Statement H2 clearly reaffirms that the currently held evidence base will be used to determine whether an outstanding housing need still exists when determining such applications.
- 8.3** The Local Authority, based on the current evidence base, does not consider that any such outstanding local housing need exists. Therefore, in the absence of any compelling contradictory evidence being put forward by the appellant, the Local Planning Authority cannot reasonably consider that the proposal aligns with or meets the exception criterion of Policies

DMG2 or DMH3 in respect of the proposal being for that of local needs housing that meets an identified need.

- 8.4** The appellant, in relation to the application, also makes reference to a recent appeal (APP/T2350/W/19/3223816) at land off Henthorn Road Clitheroe (Henthorn Decision) in relation to the Local Planning Authority's interpretation an application of Policies DMG2 and DMH3.
- 8.5** Policy DMG2 allows for '*consolidation*' which is defined as development which '*adjoins the main built up area*' of a settlement, with the policy also allowing for '*expansion*' which allows for the '*limited growth of a settlement*'. The authority is mindful of the Henthorn Decision but maintains that DMG2 should be interpreted in its truest sense.
- 8.6** The appellant points to internal conflict within Policy DMG2 in that the policy firstly relates to development 'in' the principal settlements, which is then contradicted by the policy's support of consolidation or expansion which allows for development outside of the current defined settlement limits.
- 8.7** The authority considers that the appellant has wrongfully interpreted the policy in this respect. Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy being engaged when a proposed development is located 'outside' the defined settlement areas or within tier 2 villages.
- 8.8** The policy is clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.
- 8.9** The adopted Core Strategy defines expansion as '*limited growth of a settlement generally it should be development which is in scale and keeping with the existing urban area*'. The appellant, in this respect, clearly considers that the 'growth of a settlement' cannot be undertaken within a defined settlement boundary and therefore the policy must clearly allow for development outside of defined settlement limits.
- 8.10** The assumption that the growth of a settlement cannot be undertaken within a defined settlement boundary is erroneous. The physical 'growth' of a settlement can be undertaken

within a defined settlement boundary, particularly where such a settlement boundary encompasses or includes land that is yet to be developed, such as a greenfield site.

8.11 In this respect, should a proposal come forward on such land (Principle and Tier 1 settlements), it would both constitute 'expansion' of development (assuming the proposal benefitted such a relationship with existing built form), represent the growth of a settlement and be considered as being 'inside' the defined settlement boundary and a such would align with the requirements of DMG(1).

8.12 In respect of the above it is clear that the policy is supportive of the growth of settlements, but that such growth must be undertaken inside the defined settlement boundaries. An example of this would be Housing Allocation Land (HAL) allocated through the Housing and Economic Development DPD (HED DPD). Whereby defined settlement boundaries are revised to take account of Housing Allocation Land but these HAL sites would not necessary be considered to constitute 'development' that formed part of that settlement. However DMG(1) would be permissive of 'expansion' of existing 'development' into these sites given they are 'in' a defined settlement boundary and would also be representative of the general 'growth' of a settlement.

8.13 Whilst the authority accept that historically a number of housing proposals may have been granted consent that were located outside of the defined settlement limits such decision may have been taken at a time when the Local Planning Authority could not robustly demonstrate a 5 year Housing Land Supply or whereby such supply was marginal and therefore there was a clear impetus to boost supply.

8.14 In respect of the 'Henthorn Decision', the authority notes the appellants reference to the original officer recommendation in respect of the application. However the Inspector is requested to respectfully note that the Henthorn recommendation was made at a time whereby 5 Year Housing Land Supply was considered marginal and as such the boosting of supply was a priority for the Local Planning Authority.

8.15 Notwithstanding the above matters, a number of previous Inspectors decisions (Appended) have also identified conflict with DMG2 where residential development is proposed outside defined settlement boundaries.

For ease of reference for the Inspector these are summarised below:

APP/T2350/W/17/3186969 - LPA Ref: 3/2016/1082: Appendix 03

The Inspector concluded, at Higher Road Longridge, that proposed housing adjacent but outside the defined settlement boundary was *'not in accordance with key Statement DS1 and Policies DMG2 and DMH3 of the CS insofar as they are relevant to the location and supply of housing and the protection of the open countryside'*.

APP/T2350/W/17/3174924 – LPA Ref: 3/2016/1196: Appendix 04

The Inspector stated that *'when development occurs outside settlement boundaries, as defined by the retained proposals map of the former local plan, it is deemed to be in the open countryside and policies DMG2 and DMH3 of the CS apply'* concluding that the proposed residential development *'would be in the open countryside and that the full weight of locational policies applies. The proposal would therefore be contrary to policies DMG2 and DMH3 of the CS and would not be in accordance with the development plan'*.

APP/T2350/W/17/3185445 – LPA Ref: 3/2016/1192: Appendix 05

The inspector stated that (Para.9) *'the appeal site is situated outside of the defined settlement boundary adjacent to the village of Read and it is common ground that it is within the 'countryside'. Policy DMG2 also includes 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. Whilst the policy makes provision for development proposals in Tier 1 settlements that should consolidate, expand or round-off development so that it is closely related to the main built up areas, the appeal site in this case is not in the defined settlement boundary.'* The Inspector further concludes (Para.14) *'that the appeal site is situated in the countryside and not within the settlement of Read and Simonstone as defined by the settlement boundary. Consequently, the appeal scheme conflicts with CS Policies DMG2 and DMH3.'*

APP/T2350/W/19/3235162 – LPA Ref: 3/2018/0507: Appendix 06

The Inspector concurred with the Local Authorities application of DMG2 stating that Policy DMG2 *'relates to development outside of the defined settlement areas and requires that development must meet at least one of the listed considerations, including "that the development is for local needs housing which meets an identified need and is secured as such".'*

Further stating that the ‘proposal would introduce build development into the open countryside outside of the defined settlement boundaries and is therefore contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the CS which set out the Council’s approach to the location of development’.

APP/T2350/W/18/3202044 – LPA Ref: 3/2017/0857: Appendix 07

The Inspector found that (Para.6) *‘The consolidation, expansion or rounding off of development referred to in policy DMG2 applies only to development in the settlements referred to (my italics) and I disagree with the appellant that the wording in Key Statement DS1 ‘towards’ could reasonably mean ‘outside’.*

8.16 The appellant further argues that DMH3 should in some way be disengaged due to potential conflict with the primary part of Policy DMG(1). The authority considers that DMH3 remains engaged in perpetuity where a site lies within an open countryside designation and therefore cannot be selectively disengaged, in this respect the requirements of the policy can only be met or unmet with policy conflict either being absent or present .

8.17 DMH3, in areas of defined open countryside, supports residential development which meets an ‘identified local need’ with DMG2 also supporting ‘local needs housing which meets an identified need’ outside of defined settlement boundaries. In this regard it is clear that both policies should be read in concert and in parallel given they seek to limit residential development outside of defined settlement boundaries to that which would meet specific ‘exception criterion’, with neither being selectively engaged or disengaged where a proposal is located in a defined open countryside location.

8.18 A further component of the proposal is its potential conflict with Key Statement DS1 of the Adopted Core Strategy. Key Statement DS1 states that development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Whilst it is accepted that the proposal will result in the delivery of additional housing provision, this in isolation cannot be reasonably argued as constituting regeneration or that the proposal would deliver any recognised regeneration benefits, particularly given it cannot be argued that the site is in a condition whereby its redevelopment would be considered advantageous given its greenfield nature and relatively well-maintained condition.

Conclusion/Statement of Case

- 9.1** Taking account of the above matters and all material considerations, the authority considers that it has not been demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need as required by Policy DMG2 and DMH3 of the Adopted Core Strategy.
- 9.2** In addition, given there are no recognised or clearly evidenced regeneration benefits associated with the development and given it has been established that the proposal fails to be that which satisfies an identified a local need it is considered that the appeal proposal is in direct conflict with not only Policies DMG2 and DMH3 but also Key Statement DS1 of the Ribble Valley Core Strategy.
- 9.3** It is for the above reasons and having regard to all material matters that the Inspector is respectfully requested to dismiss the appeal.

Appendix 2

**RVBC Committee Report for
appeal APP/T2350/W/20/3253310**

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 25 JUNE 2020
 title: NON-DETERMINATION APPEAL IN RELATION TO FULL PLANNING
 CONSENT FOR THE ERECTION OF 39 DWELLINGS WITH LANDSCAPING,
 ASSOCIATED WORKS AND ACCESS FROM ADJACENT DEVELOPMENT
 SITE. LAND AT CHATBURN ROAD CLITHEROE.
 submitted by: NICOLA HOPKINS, DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: STEPHEN KILMARTIN, PRINCIPAL PLANNING OFFICER

1 PURPOSE

- 1.1 To advise and inform Committee in relation to a recently received non-determination appeal and to request support and agreement for the reasons for refusal to be presented to the Planning Inspectorate.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives }
 - Corporate Priorities }
 - Other Considerations – None.
- To be a well managed Council providing efficient services based on identified customer need.

2 BACKGROUND

- 2.1 The application (3/2019/0877) was submitted to the Local Authority on the 20 September 2019 and made valid on the 8 October 2019 with the thirteen-week timeframe for determination ending on the 7 January 2020. To allow for the resolving of highways matters and to enable internal discussions regarding the policy implications of the proposal to be resolved extensions of time were sought and agreed that extended the determination period to the 31 March.
- 2.2 Upon the expiration of the extend determination timeframe applicants can exercise the right to appeal for non-determination. Whilst the authority endeavours to determine applications within the requisite timeframe or agreed extended determination time period, in this case this was not achieved, with the applicant failing to agree to a further extension of time to allow for internal discussions to be finalised and agreed in respect of the stance to be undertaken in relation to the proposed development.
- 2.3 Members will note that an appeal decision (APP/T2350/W/19/3221189), received prior to the submission of the application (known as the 'Henthorn Decision'), reached conclusions in respect of how the authority should interpret, engage and apply a number of adopted local development plan policies, namely the application of Policies DMG2 and DMH3. The inspector, in reaching their decision, determined that development outside the settlement limits of Clitheroe would not necessarily conflict with the provisions of Policy DMG2 and that, in the case of the Henthorn appeal, such a proposal would constitute expansion of the settlement as allowed by Policy DMG2.
- 2.4 This Inspector's findings have had significant ramifications for the determination of a number of applications, particularly those that are adjacent but outside the settlement

boundaries of principal and tier 1 settlements. In this respect, the authority considers, if it were to concede that DMG2 allows for such outward expansion, in the absence of any other over-riding material considerations, this would result in significant consequences for the Borough insofar that it would compromise the ability of the authority to appropriately apportion growth to those settlements whereby housing need is evident and would undermine the relevance, to some degree, of the operation and effectiveness of the planned system adopted by the authority.

- 2.5 Internal discussion in relation to as to how Policies DMG2 and DMH3 should be interpreted, engaged and applied were concluded informally prior to the non-determination appeal being received. However, at this stage the applicant had not agreed an extension of time for the determination of the application with the non-determination appeal having been received on the 28 May 2020 with the Inspectorate finding the appeal as valid on the 9 June 2020.
- 2.6 The appellant has requested that the appeal be considered under the written representations' procedure. Having regard to the nature of the application it is the opinion of the authority that such a procedure is considered appropriate.
- 2.7 Members will note that objectors, those that have made representations and statutory consultees will be given the opportunity to give further representations to the Inspectorate, with any material matters raised informing the Inspectors decision.

3 ISSUES

- 3.1 In the case of non-determination appeals, it is important that Planning and Development Committee are given the opportunity to consider the planning merits of the proposal to allow for members to form a view as to whether they are satisfied with the recommendation that will be presented to the Inspectorate in response to the appeal.
- 3.2 In this respect a copy of the officer's report is appended for Members' consideration and information (Appendix A).
- 3.3 On the basis of the merits of the case and having regard to all material considerations and matters raised it is considered that should a formal recommendation have been made, the application would have been recommended for refusal for the following reason:

Planning Application 3/2019/0877

The proposal is considered contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification 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. It is further considered that the proposal fails to meet the requirements Key Statement DS1 insofar there are no identified regeneration benefits associated with the proposal.

4 RECOMMENDED THAT COMMITTEE

- 4.1 Advise that they would have been minded to agree with the officer recommendation and refuse the application for the reasons above.

- 4.2 Advise that they would agree to the written representations procedure as being the most appropriate procedure for the appeal and that the Planning Inspectorate should be informed as such.

STEPHEN KILMARTIN
PRINCIPAL PLANNING OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

BACKGROUND PAPERS

Application Reference Number: 3/2019/0877

For further information please ask for Stephen Kilmartin, extension 4555.

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

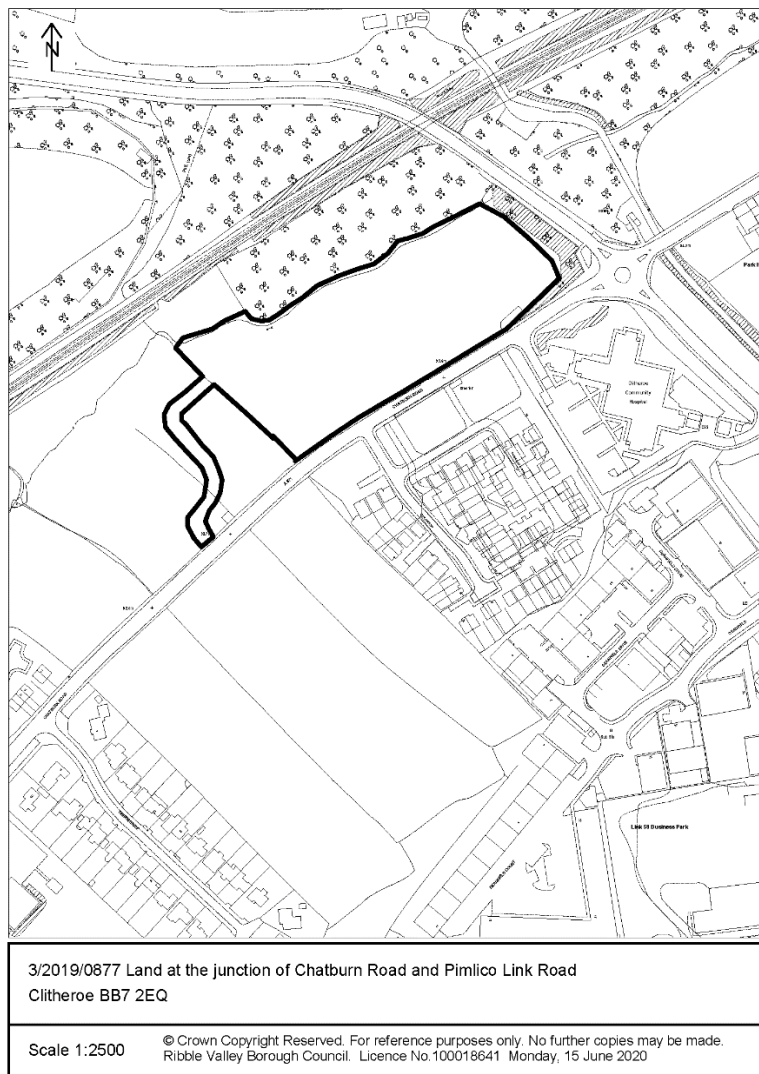
DATE: June 2020
REF: SK
CHECKED BY:

APPLICATION REF: 3/2019/0877

GRID REF: SD 375365 443101

DEVELOPMENT DESCRIPTION:

ERECTION OF 39 DWELLINGS WITH LANDSCAPING, ASSOCIATED WORKS AND ACCESS FROM ADJACENT DEVELOPMENT SITE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CLITHEROE TOWN COUNCIL:

Clitheroe Town Council have offered the following observations:

If RVBC intend to recommend this application for approval the Town Council would like to see safety measures such as yellow lines to reduce parking on roads and a pelican crossing introduced. There should also be the provision of a regular bus service from the development.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highways Development Control section have raised no objection to the proposal following pro-active discussions in regards to the proposal that have resulted in a number of concerns having been mitigated through revisions to the internal highways arrangement.

UNITED UTILITIES

No objections subject to the imposition of conditions relating to foul and surface water drainage.

LLFA

No objections subject to the imposition of conditions relating to surface water drainage.

ENVIRONMENT AGENCY

The Environment agency have raised no objections to the proposal and further state the submitted Flood Risk Assessment demonstrates that the proposal will not exacerbate flood risk elsewhere.

LCC EDUCATION

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 4 secondary school places and 11 primary school places.

Calculated at the current rates, this would result in a claim of:

Primary Places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2018/Q4-2008)}$
= £16,050.54 per place
£16,050.54 x 11 places = £176,555.94

Secondary Places:

$(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2018/Q4-2008)}$
= £24,185.16 per place
£24,185.16 x 4 places = £96,740.64

This assessment represents the current position on 15th October 2019.

LCC reserve the right to reassess the education requirements taking into account the latest information available.

ADDITIONAL REPRESENTATIONS:

Three letters of representation have been received including representations from Clitheroe Civic Society in respect of the application objecting on the following grounds:

- Increase in traffic
- Increase in pollution resultant from the development
- Insufficient public services infrastructure within Clitheroe
- No housing need
- Loss of habitat and Greenfield land
- Lack of public amenity areas
- Increased flood risk
- Detrimental impact upon the character of the area

1. Site Description and Surrounding Area

- 1.1 The application relates to greenfield land located to the east of a current designated housing site also being located outside but adjacent the currently defined settlement boundary for Clitheroe. The site is approximately 1.8 hectares in size being bounded by significant tree-planting/woodland to the north with hedgerow and tree planting also being present to the north-eastern extents of the site and south-east.
- 1.2 The site is bounded to the south-east by Chatburn Road with the Pimlico Link Road roundabout being located within close proximity to the north-east. The site directly adjoins, at its south-western extents, a committed housing site which is currently under construction.
- 1.3 The surrounding area is predominantly residential in character save that for the Clitheroe Hospital complex which is located to the south-east of the development site on the opposing side of Chatburn Road.

2. Proposed Development for which consent is sought

- 2.1 The submitted details seek full consent for the erection of 39 dwellings with landscaping, associated works and vehicular access from an adjacent development site. It is proposed that primary vehicular and pedestrian access will be provided via an adjacent committed housing site to the south-west. A secondary pedestrian access is also proposed to the north-eastern extents of the site which directly interfaces with Chatburn Road.
- 2.2 The submitted details propose that the housing development will consist of a mixture of detached, semi-detached, terrace and bungalow type dwellings. No formal or informal usable public open space is proposed within the site save that for a small landscape buffer to the southern extents of the site. However, in this respect it is noted that residents will have use of an area of open space that will be brought forward as part of the adjacent committed housing site.
- 2.3 Following negotiation the applicant has now provided a policy compliant level of affordable housing and housing provision for those aged 55 and over.

3. **Relevant Planning History**

Members will note that the site to which the application relates does not benefit from any recent planning history relevant to the determination of the application. However, it should be noted that access to the site is facilitated through an existing committed housing site that is currently under construction pursuant to consent 3/2017/0653.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site lies within the defined open countryside being located outside but adjacent defined settlement boundary of Clitheroe, as such and given the application seeks consent for new residential development, Policies DMH3 and DMG2 are fully engaged. Both policies seek to restrict residential development within the defined countryside to that which meets a number of criteria, one of which being that which satisfies an identified local need.

5.1.2 In this respect, when assessing the locational aspects of the development, Policy DMG2 states that within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

1. The development should be essential to the local economy or social well being of the area.
2. The development is needed for the purposes of forestry or agriculture
3. The development is for local needs housing which meets an identified need and is secured as such.
4. The development is for small scale tourism or recreational developments appropriate to a rural area.

5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
- 5.1.3 In this respect the applicant has not provided any supporting information as to how the application seeks to meet an identified or evidenced outstanding need nor does the Local Authority consider or have evidence that there is a clear identified need for housing that must be met in this location.
- 5.1.4 Whilst the authority recognises there is a borough-wide need for affordable housing and the benefits associated with the delivery of such housing, in this case, the development of open-market residential development within this location (in the absence of identified or evidenced need) would be considered to be indirect conflict with Policies DMH3 and DMG2.
- 5.1.5 The adopted Core Strategy states that local needs housing is *'the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.'* with the supporting text to Key Statement H2 reaffirming that *'the most recent SHMA and Housing Needs Survey and waiting list evidence would always be used in determining if the proposed development meets the identified need'*.
- 5.1.6 Key Statement H2 itself also reiterates this approach stating that *'planning permission will only be granted for residential development providing it can be demonstrated that it delivers a suitable mix of housing that accords with the projected future household requirements and local need across the Ribble Valley as a whole as evidenced by the Strategic Housing Market Assessment'*.
- 5.1.7 In ensuring that a suitable proportion of housing within the borough meets local needs, the adopted Core Strategy states that information contained in the LDF evidence base assists in ensuring that this is made possible. The Strategic Housing Market Assessment (SHMA) is considered the most appropriate way of doing this as it incorporates information from the Housing Needs Surveys and combines this information with future population and household projections. Linking this information with the SHLAA assists in highlighting where the housing to meet local needs is required to be located.
- 5.1.8 In this respect it is clear that the adopted development plan places a full emphasis on the currently held evidence base being used to determine whether an outstanding housing need still exists. Based on the latest published monitoring position (HLAS March 2020) the authority is of the opinion that it has granted sufficient consents, for new residential dwellings, to take account of the needs and projections as reflected within the evidence base.
- 5.1.9 As such, and in the absence of the applicant providing evidence to suggest otherwise, the Local Planning Authority considers that the proposal cannot be supported given there is no evidenced need to meet the exception criterion contained within DMG2 or DMH3 and as such it cannot be argued that there exists any impetus to grant further consents for residential dwellings, outside the defined settlement boundary, in this location.

- 5.1.10 Members will be aware of a recent appeal (APP/T2350/W/19/3223816) at land off Henthorn Road Clitheroe (Henthorn Decision). Particularly in relation to the Local Planning Authority's interpretation an application of Policies DMG2 and DMH3 whereby it was concluded that DMG2 allows for the outward expansion of residential development, outside of a defined settlement boundary subject to such expansion being well related to the main built up area of the settlement.
- 5.1.11 Specifically, Policy DMG2 allows for '*consolidation*' which is defined as development which '*adjoins the main built up area*' of a settlement, with the policy also allowing for '*expansion*' which allows for the '*limited growth of a settlement*'. The authority is mindful of the Henthorn Decision but maintains that DMG2 should be interpreted in its truest sense.
- 5.1.12 The Inspector, in determining the 'Henthorn Decision', found that there was internal conflict within Policy DMG2 in that the policy firstly relates to development 'in' the principal settlements, which is then contradicted by the policy's support of consolidation or expansion which allows for development outside of the current defined settlement limits. The authority considers that the Inspector and appellant (at that time) wrongfully interpreted the policy in this respect. Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy being engaged when a proposed development is located 'outside' the defined settlement areas or within tier 2 villages.
- 5.1.13 The policy is clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.
- 5.1.14 The adopted Core Strategy defines expansion as '*limited growth of a settlement generally it should be development which is in scale and keeping with the existing urban area*'. The Inspector and appellant, in this respect, considered (at the time of the Henthorn appeal) that the 'growth of a settlement' cannot be undertaken within a defined settlement boundary and therefore the policy must clearly allow for development outside of defined settlement limits.
- 5.1.15 The assumption that the growth of a settlement cannot be undertaken within a defined settlement boundary is erroneous. The physical 'growth' of a settlement can be undertaken within a defined settlement boundary, particularly where such a settlement boundary encompasses or includes land that is yet to be developed, such as a greenfield site.
- 5.1.16 In this respect, should a proposal come forward on such land (Principle and Tier 1 settlements), it would both constitute 'expansion' of development (assuming the proposal benefitted such a relationship with existing built form), represent the growth of a settlement and be considered as being 'inside' the defined settlement boundary and a such would align with the exception criterion of DMG(1).

- 5.1.17 In respect of the above, it is clear that the policy is supportive of the growth of settlements, but that such growth must be undertaken inside the defined settlement boundaries. An example of this would be Housing Allocation Land (HAL) allocated through the Housing and Economic Development DPD (HED DPD). Whereby defined settlement boundaries are revised to take account of Housing Allocation Land but these HAL sites would not necessarily be considered to constitute 'development' that formed part of that settlement. However DMG(1) would be permissive of 'expansion' of existing 'development' into these sites given they are 'in' a defined settlement boundary and would also be representative of the general 'growth' of a settlement.
- 5.1.18 Whilst the authority accepts that historically a number of housing proposals may have been granted consent that were located outside of the defined settlement limits such decision may have been taken at a time when the Local Planning Authority could not robustly demonstrate a 5 year Housing Land Supply or whereby such supply was marginal and therefore there was a clear impetus to boost supply.
- 5.1.19 Notwithstanding the 'Henthorn Decision', a number of previous Inspectors decisions have also identified conflict with DMG2 where residential development is proposed outside defined settlement boundaries. For ease of reference for Members these are summarised below:

5.1.20 APP/T2350/W/17/3186969 - LPA Ref: 3/2016/1082:

The Inspector concluded, at Higher Road Longridge, that proposed housing adjacent but outside the defined settlement boundary was *'not in accordance with key Statement DS1 and Policies DMG2 and DMH3 of the CS insofar as they are relevant to the location and supply of housing and the protection of the open countryside'*.

5.1.21 APP/T2350/W/17/3174924 – LPA Ref: 3/2016/1196:

The Inspector stated that *'when development occurs outside settlement boundaries, as defined by the retained proposals map of the former local plan, it is deemed to be in the open countryside and policies DMG2 and DMH3 of the CS apply'* concluding that the proposed residential development *'would be in the open countryside and that the full weight of locational policies applies. The proposal would therefore be contrary to policies DMG2 and DMH3 of the CS and would not be in accordance with the development plan'*.

5.1.22 APP/T2350/W/17/3185445 – LPA Ref: 3/2016/1192:

The inspector stated that (Para.9) *'the appeal site is situated outside of the defined settlement boundary adjacent to the village of Read and it is common ground that it is within the 'countryside'. Policy DMG2 also includes 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. Whilst the policy makes provision for development proposals in Tier 1 settlements that should consolidate, expand or round-off development so that it is closely related to the main built up areas, the appeal site in this case is not in the defined settlement boundary.'* The Inspector further concludes (Para.14) *'that the appeal site is*

situated in the countryside and not within the settlement of Read and Simonstone as defined by the settlement boundary. Consequently, the appeal scheme conflicts with CS Policies DMG2 and DMH3.'

5.1.23 APP/T2350/W/19/3235162 – LPA Ref: 3/2018/0507:

The Inspector concurred with the Local Authorities application of DMG2 stating that Policy DMG2 *'relates to development outside of the defined settlement areas and requires that development must meet at least one of the listed considerations, including "that the development is for local needs housing which meets an identified need and is secured as such".'*

Further stating that the 'proposal would introduce build development into the open countryside outside of the defined settlement boundaries and is therefore contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the CS which set out the Council's approach to the location of development'

5.1.24 APP/T2350/W/18/3202044 – LPA Ref: 3/2017/0857:

The Inspector found that (Para.6) *'The consolidation, expansion or rounding off of development referred to in policy DMG2 applies only to development in the settlements referred to (my italics) and I disagree with the appellant that the wording in Key Statement DS1 'towards' could reasonably mean 'outside'*

5.1.25 As such, when taking account of the above and in the absence of any evidence being submitted by the applicant in respect of the proposal meeting identified local housing need, it is considered that the proposal is in direct conflict with Policies DMG2 and DMH3 of the adopted Development Plan

5.2 Impact upon Residential Amenity:

5.2.1 Given the proposal seeks full consent, consideration must be given to the potential for the development to have an undue or detrimental impact upon nearby or adjoining residential amenity, consideration must also be given to the level amenities that will be enjoyed by potential occupiers of the development should consent be granted.

5.2.2 In respect the proposed development maintains a sensitive relationship (in respect of interface distances) with the development to the west with adequate spatial offset distances being maintained so as not to raise any undue concerns in respect of direct and unsympathetic overlooking of habitable rooms or private amenity space.

5.2.3 It is further considered that the proposed layout of the development is arranged in such a manner that it is unlikely that the level of residential amenity experienced by future occupiers would be significantly or measurably compromised.

5.2.4 As such it is not considered that the proposed development will have any undue impact upon existing residential amenity by virtue of direct -overlooking, loss of light or an overbearing impact.

5.3 Matters of Design/Visual Amenity:

- 5.3.1 The submitted details proposed that the housing will adopt a largely linear arrangement running from the south-west of the site to the north-eastern extents of the site with a central perimeter block of housing defining the overall layout of the development.
- 5.3.2 a small cluster of dwelling are also proposed and the north-eastern extents of the site with the proposed dwellings at the south-western extents of the site benefitting from a rear to rear interface with the adjacent housing that is currently under construction.
- 5.3.3 The proposed housing types adopt an elevational language that is similar to that which was granted approval on the adjacent committed housing site. As such it is not considered that the proposed housing will result in any measurable detrimental impact upon the character or visual amenities of the area when taking account of the external appearance and pattern of development of inherent to adjacent and nearby built-form.

5.4 Highway Safety and Accessibility:

- 5.4.1 LCC Highways have raised no objections in respect of the proposed development subject to the imposition of conditions requiring the need to submit a Construction Method Statement, the need to submit details in respect of the future maintenance and management of the internal highway. Should consent be granted there will also be a requirement to submit details in relation to a cycle-link, the construction of the site access and details of off-site highways improvements.

5.5 Landscape/Ecology:

- 5.5.1 The application has been accompanied by an Ecological Appraisal which concludes that plant species assemblages across the core development area are all common in the local area and as such are considered to be of low ecological value. Low numbers of common bat species were recorded foraging over the site with no roosting being evident on site or within the vicinity of the site.
- 5.5.2 The report recognises that birds are likely to utilise the tree line and woodland along the site boundaries for nesting and as such vegetation clearance should be undertaken outside of the nesting period between March and September.
- 5.5.3 Himalayan Balsam has been identified on site with the report recommending that appropriate measures be taken so as to avoid the movement of soil over and from the site. The report concludes that there will be no adverse impacts upon protected species or species of conservation concern and as such measures to mitigate such impacts are not required.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 Taking account of the above matters and all material considerations, the authority considers that it has not been demonstrated that the proposal is for that of local needs

housing that meets a current identified and evidenced outstanding need as required by Policy DMG2 and DMH3 of the Adopted Core Strategy.

- 6.2 Members will note that this report seeks the endorsement of the committee to pursue the refusal of the application following the receipt of an appeal for non-determination. In this respect no decision will be made on the application, however any recommendation made will endorse and ratify the stance to be adopted by the authority in defending the aforementioned non-determination appeal.
- 6.3 It is for the above reasons and having regard to all material considerations and matters raised, that should the authority have proceeded to the determination stage of application, that it would have recommended refusal on the basis of the conflicts with the development plan as outlined above. As such the proposal would have been refused on the following grounds:

RECOMMENDATION: That the application be REFUSED for the following reason(s):

1. The proposal is considered contrary to Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification 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. It is further considered that the proposal fails to meet the requirements Key Statement DS1 insofar there are no identified regeneration benefits associated with the proposal.

Appendix 3

Appeal decision APP/T2350/W/20/3253310



Appeal Decision

Site visit made on 10 June 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/T2350/W/20/3253310

Land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, Lancashire BB7 4JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mark Wilkinson (Oakmere Homes (NW) Ltd) against Ribble Valley Borough Council.
 - The application Ref 3/2019/0877, is dated 18 September 2019.
 - The development proposed is the erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
 - This decision supersedes that issued on 10 November 2020. That decision on the appeal was quashed by order of the High Court.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The appeal was made against the Council's failure to determine the application for planning permission within the prescribed period. The Council's single putative reason for refusal is set out in its statement of case.
3. This appeal is a redetermination following the quashing of the previous appeal decision by the High Court, on the basis of an error in law in the interpretation of Policy DMG2 of the development plan. I have had regard to the previous appeal letter, in so far as it forms a material consideration, but have determined the appeal afresh on its planning merits. In doing so, I have taken into account further submissions from the main parties made at the redetermination stage.
4. The original decision was accompanied by a costs decision which was not quashed by the court and is therefore still extant. No further applications for an award of costs have been made by either party, and therefore I have not taken any further action in this respect.
5. A signed and dated unilateral undertaking (UU) made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted. The UU includes undertakings in respect of various matters, including provision of affordable and over-55s housing and financial contributions towards off-site leisure, primary and secondary education and healthcare. I address these matters within my reasoning to follow.

Main Issue

6. The main issue is whether the proposal would constitute a suitable location for residential development, having regard to local and national planning policies.

Reasons

7. The appeal site is an undeveloped field to the edge of Clitheroe, alongside the A671 Chatburn Road. Adjacent to the site is an ongoing housing development on land within the control of the appellant. Access to the proposed development would be gained through this adjacent site. The proposal is for a development of 39 dwellings, which would include affordable housing and housing for those aged 55 and over.
8. The site lies adjacent to, but outside of, the settlement boundary of Clitheroe, and is therefore regarded as being in the countryside for the purposes of assessing the proposal against the provisions of the development plan, which includes the Ribble Valley Core Strategy 2008-2028 (Adopted December 2014) (the CS) and the Housing and Economic Development – Development Plan Document (Adopted October 2019) (the HED DPD).
9. Key Statement DS1 of the CS sets out the Council's overarching settlement strategy, with the majority of new housing to be concentrated within an identified strategic site to the south of Clitheroe and the principal settlements of Clitheroe, Longridge and Whalley. The policy adds that development will also be focused towards 'Tier 1' settlements sitting below the principal settlements in the hierarchy, with any development in smaller 'Tier 2' settlements needing to demonstrate a proven local need or regeneration benefit.
10. Policy DMG2 – 'Strategic Considerations' sets out that development should be in accordance with the CS development strategy and support the spatial vision. The first part of the policy specifies that *'development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 villages should consolidate, expand or round-off development, so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.'*
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;

¹ APP/T2350/W/19/3221189, allowed 19 June 2019

² APP/T2350/W/19/3223816, allowed 23 January 2020

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.
14. Policy DMH3 further relates to areas defined as open countryside. Residential development in these areas is supported in a limited set of circumstances, none of which are advanced as being applicable to the appeal scheme. The proposal would therefore conflict with the spatial strategy by developing housing outside of the settlement boundary of Clitheroe without justification as provided for under either Policy DMG2 or DMH3.
15. The appellant acknowledges that the proposal would conflict with Policies DMG2 and DMH3, but describes the harm arising from the proposal as very limited, as the proposal would not harm the countryside and would be in an accessible location relative to the built-up area of Clitheroe. The appellant adds that the benefits of the appeal scheme would outweigh the 'limited' conflict with the spatial strategy, a position reached on the basis that the proposal would align with the overall aims of Key Statement DS1 in directing the majority of new housing to the principal settlements, in this case Clitheroe.
16. However, it is well-established that development plans should be read as a whole, as policies may pull in different directions or, in this case, several interrelated policies together form an overall spatial strategy. It is clear, following the direction of the court, that Policies DMG2 and DMG3 set out clear approaches to development within and outside the settlement boundaries, and form the basis for implementing the overall spatial strategy of Key Statement DS1, which directs the majority of new housing *within* the strategic site and the principal settlements. The subsequent restrictive approaches of Policies DMG2 and DMH3 to development outside of the defined settlements in the hierarchy are consistent with the approach of Key Statement DS1. Indeed, it is made clear in the text following Policy DMG2 that the policy assists in the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development, and that in establishing broad constraints to development the Council will secure the overall vision of the CS.
17. I also note the appellant's reference to the HED DPD examination, and to suggestions that the Examining Inspector considered that these policies needed to be applied flexibly to ensure sufficient delivery of housing within the plan period. However, on my reading, the Inspector did not set out that the CS policies were to be applied in any different manner, but rather he agreed with the Council that the housing requirement of the CS would be met by the flexible policies in the CS and the reserve of allocation sites in the HED DPD.

18. In other words, the Inspector was satisfied that the policies of the CS already provided flexibility to enable sufficient development to come forward. To my mind, the 'flexibility' of the policies lies in the support for development at different scales through the hierarchy, and in allowing for proposals which consolidate, expand or round-off development within the main settlement boundaries, along with specified exceptions beyond the boundaries. The HED DPD adds additional flexibility through the allocation of further development sites in that document, but it does not set out a different wording or interpretation of the CS policies.
19. In any event, it is common ground that the Council can demonstrate a five year supply of deliverable housing sites. In such circumstances, there is no need to countenance any 'flexible' application of the CS policies to address a shortfall in housing land supply. To do so would be to set aside the settlement strategy as the principal method of directing development within the Borough, and would potentially lead to similar arguments being made for other sites close to but outside the settlement boundaries that would diminish the relevance of the settlement strategy and would be the antithesis of sustainable development.
20. For these reasons, I do not read the CS policies as being permissive of market residential development within the open countryside outside of the principal settlements, or that, despite conflict with Policies DMG2 and DMH3, the proposal would nevertheless meet with the general aims of Key Statement DS1. In my view, the identified conflicts with Policies DMG2 and DMH3 mean that, overall, the proposal is not in conformity with the spatial strategy and so does not achieve the overall aims of the development plan in achieving sustainable development. The appellant's approach effectively downplays the importance of the spatial strategy in favour of other considerations, in particular proximity to the settlement and a lack of visual harm to the countryside. However, to downgrade the weight to be afforded to the development plan conflict when it has not been shown to be out-of-date due to inconsistency with the Framework or because of a failure to meet its overall housing delivery aims would undermine the primacy of the plan-led system.
21. Given the importance of the spatial strategy to the overall aims of the development plan, the identified policy conflicts mean that there would be conflict with the development plan read as a whole. It is common ground between the main parties, and I agree, that the aforementioned policies are consistent with the Framework and should be afforded full weight in the assessment of the proposal.
22. I address various benefits of the scheme below which are to be weighed in the planning balance, but on this main issue, I conclude that the proposal is in conflict with the requirements of Key Statement DS1 and Policies DMG2 and DMH3 of the CS, and given these policies are considered to be up-to-date, I afford very significant weight to this conflict.

Other Material Considerations

23. The completed UU provides for the mechanisms necessary to deliver affordable housing and over-55s housing on site, along with financial contributions towards primary and secondary education, off-site leisure facilities and NHS services. The Council has previously confirmed that it was not pursuing the NHS contribution, and no evidence has been advanced subsequently to change this position. Accordingly, I have not taken this contribution into account.

24. It was also put to the previous Inspector that the education contribution had been revised downwards by Lancashire County Council (LCC) as the local education authority. LCC has confirmed its latest position is a primary education contribution of £150,749.64 and a secondary education contribution of £92,247.00. This represents a combined reduction of £30,299.94 against the original requirement, reflecting a reduction in the number of primary places generated by the proposal from 11 to 9, and indexation changes in the cost of each place. As a result, the UU provides for contributions in excess of that now sought by the Council, and I have taken them into account only to the point they cover the revised figures sought by LCC as set out above.
25. Therefore, with the exception of the NHS contribution and the surplus of £30,299.94 offered for education, I am satisfied that the provisions of the UU are in accordance with the tests for planning obligations set out at Paragraph 57 of the Framework. Therefore, I have taken the completed UU into account.
26. In terms of housing land supply, the Council was considered to have a five year supply of deliverable housing sites at the time of the original appeal decision. Since then, the Council has produced its Housing Land Availability Statement as at 31 March 2021 (published May 2021), which indicates a supply of either 6.65 years (using the CS figures) or 14.2 years (using the standard methodology). I have no firm evidence to the contrary to reach a different conclusion in respect of the housing land supply position. Moreover, the 2021 Housing Delivery Test results (published January 2022) show the Council has delivered 369% against its targets over the preceding three years, at an average of 471 dwellings per annum, well above the most recent housing needs evidence pointed to by the appellant, the Ribble Valley Strategic Housing and Economic Needs Assessment (April 2020), which suggests a maximum need of 280 dwellings per annum. Consequently, there is no demonstrable need for housing arising as a result of the Council's housing land supply position, and the presumption in favour of sustainable development of Paragraph 11 of the Framework is not triggered on this basis.
27. This aside, I accept that the delivery of 39 dwellings of different size and type would add to the Borough's housing stock and accord with the Framework's aim of significantly boosting the supply of housing nationally, and the inclusion of policy compliant affordable housing and older persons' housing would be further benefits of the proposal that would address the Framework aim that the needs of groups with specific housing requirements should be addressed. While I accept that five year housing land supply is not a maximum, the delivery of housing beyond the settlement boundary of Clitheroe is not at this time essential to the Council meeting its housing targets in light of its housing land supply position and recent level of housing delivery. Moreover, the delivery of affordable and over-55s housing is no more than required by policy. Therefore, whilst these are certainly benefits of the proposal, they are benefits that would be expected to accrue from any housing development, which moderates the degree of positive weight I afford them.
28. There would also be economic benefits from the construction of the development, but such benefits would be short-lived. As such, I afford them limited weight in the planning balance. The proposal would also result in some economic benefits in terms of residents' support of local facilities and services. However, such benefits would not be very significant from 39 dwellings and, in any event, there is no evidence to indicate that such benefits would not be

capable of being realised on a site or sites within identified settlements. Therefore, this is not a matter to which I afford any material weight in decision making terms.

29. The proposal would deliver a net biodiversity gain, with the appellant offering to deliver additional planting of new trees and hedgerows within the development to accord with the aims of the Framework. This is a tangible benefit which, given the size of the site, garners moderate weight.
30. I also recognise that the appeal site, notwithstanding the policy conflict set out above, is located near to the many local services and facilities within Clitheroe, which would be accessible to future residents by walking, cycling and public transport. While I acknowledge that the appeal site is not isolated from local services and facilities and use of the private car would unlikely be required for all journeys, this has to be weighed against the Council's strategy of providing housing *within* identified settlements and where more sustainable transport movements are likely. Furthermore, the housing land supply position is such that there is not a need to deviate from the Council's spatial strategy relating to the location of housing development. I therefore afford the site's accessibility credentials only limited weight in the overall planning balance.
31. I further acknowledge that the appeal site is well-contained within the landscape, being surrounded on its two 'outer' sides, i.e. those contiguous with the wider countryside, by a substantial stretch of woodland. The adjacent residential development stands on a third side, with the A671 being the fourth, on the opposite side of which is a further residential development and Clitheroe Community Hospital. The Council accepts that the proposal would not lead to harm to the character and appearance of the area, and given the site's immediate surroundings, I agree that residential development of the site, while clearly changing the existing agrarian character, would not have a tangible adverse effect on the character or appearance of the wider countryside surrounding Clitheroe. However, neither is the site harmful in its existing state, and therefore I regard this as a neutral factor overall.
32. No harm has been identified in respect of other matters including highway safety or neighbours' living conditions. I have no firm evidence to lead me to different conclusions in these matters. An absence of harm in these respects means that these are further neutral factors in the overall planning balance.
33. In reaching a view, I have had regard to various appeal decisions referred to me by the main parties. Of note is a decision by the Secretary of State on a development in Cheshire East³, where permission was granted for housing despite conflict with the spatial strategy and the Council demonstrating a five year housing land supply, on the basis that the benefits of the proposal outweighed the identified harms and that the proposal would not 'distort the spatial vision' of the development plan. I appreciate there are some parallels with the appeal before me; however, the apportionment of weight to the various material considerations is ultimately a matter of planning judgement for the decision maker, and I am not bound to reach the same conclusion as reached on another appeal in a different local authority area with different development plan policies and material considerations. For the reasons set out above, I find that the proposal would conflict with the overall spatial strategy

³ APP/R0660/A/13/2197532, allowed 15 July 2020

and undermine its application, a conclusion I have reached based on the specific material considerations in this case.

34. Other appeals have been referred to me, some of which endorse the interpretation of Policy DMG2 taken by the court and generally align with the conclusions I have reached. Others, include those referenced above, align more with the interpretation of the previous Inspector, which now must attract very limited weight in light of the judgement of the court which forms a significant new material consideration. Ultimately, I have formed my own view on the proposal, but aside from this, there are evident differences in these other cases in terms of the site circumstances and material considerations which mean that they are not wholly comparable to the present appeal, and therefore, they do not alter my overall conclusion below.

Planning Balance and Conclusion

35. The starting point for decision-making is the development plan. The Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. For the reasons set out above, I have found there would be conflict with the development plan taken as a whole. I afford very significant weight to this conflict.
36. There would be several benefits of the proposal, as set out above, ranging from limited to moderate weight. In this case, I do not find that the benefits as a whole are of sufficient weight to outweigh the very significant development plan conflict that I have identified. I conclude that the development would not be in a suitable location for housing having regard to the housing strategy for the area. This is a matter of overriding concern and, therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR

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