


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:		Date:		Manager:		Date:	
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Application Ref:	3/2021/0070	 Ribble Valley Borough Council <small>www.ribblevalley.gov.uk</small>
Date Inspected:	11/02/21	
Officer:	SK	
DELEGATED ITEM FILE REPORT:		REFUSAL

Development Description:	Permission in Principle for up to 6 dwellings.
Site Address/Location:	The Stables Chaigley Road Longridge PR3 3TQ

CONSULTATIONS:	Parish/Town Council
Thornley with Wheatley Parish Council have raised no objections to the proposal.	
Longridge Town Council objects to the planning application on the following grounds:	
<ul style="list-style-type: none">• <i>It is outside of the settlement boundary</i>• <i>There could be drainage issue</i>• <i>If allowed it could lead to infill between Rock House and the boundary</i>• <i>The previous planning application 3/2018/0507 and 3/2017/1100 had the same grounds for objection.</i>	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	
No representations have been received in respect of the proposed development.	
United Utilities:	
No objections to the proposal.	
CONSULTATIONS:	Additional Representations.
No representations have been received in respect of the proposed development.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:
Ribble Valley Core Strategy:
Key Statement DS1 – Development Strategy Key Statement DS2 – Sustainable Development Key Statement DMI2 – Transport Considerations
Policy DMG1 – General Considerations Policy DMG2 – Strategic Considerations Policy DMG3 – Transport & Mobility Policy DMH3 – Dwellings in the Open Countryside Policy DME1 – Protecting Trees & Woodland Policy DME2 – Landscape & Townscape Protection
Longridge Neighbourhood plan

National Planning Policy Framework (NPPF)

Relevant Planning History:

3/2018/0507:

Outline application for up to 10 self-build dwellings with all matters reserved save for access. (Refused) (Appeal Dismissed)

3/2017/1100:

Outline application for up to 15 self-build dwellings (30% affordable self-build) including access. (Refused)

3/2016/0604:

Outline application for a two-storey dwelling including access. (Refused)

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application site is 0.4 Hectare plot of land located outside of and partially adjacent the north eastern extents of the defined settlement boundary for Longridge, being located within defined open countryside. The site currently accommodates an area of land used for equestrian purposes including a stable building and sand/grass paddocks.

The site is bounded to the south by Chaigley Road/ Higher Road. The site is abutted to the north and west by John Smith Playing Fields. A number of trees are located along the southern boundary of the site with a small number of trees also being located within the main body of the site. The southern boundary is delineated by a low-level stone-wall that fronts Higher Road off of which primary vehicular access is also provided.

Proposed Development for which consent is sought:

The application seeks consent for Permission in Principle (PiP) for the erection of 6 dwellings under the remit of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. Given the application seeks only to establish the acceptability of the principle of the development (stage one of the Permission in Principle process) no details have been provided in respect of the proposal save that for details relating to the upper quantum of residential development applied for and details of the extents of the site to which the application relates.

Principle of Development:

The site is located outside of the defined settlement boundary for Longridge with only a small outcrop of the southern extents of the red-edge of the site having a relationship with the settlement boundary. An area of open space outside of the defined settlement, that benefits from a DMB4 (Open Space) designation, lies between the defined settlement boundary and the southern extents of the site to which the application relates.

In this respect, and in terms of the sites relationship with the defined settlement limits, it cannot be considered that the extents of the proposal site benefits from a consistent, substantial or direct interface with the defined settlement boundary.

Given the application site lies wholly within the defined open countryside both Policies DMG2 and DMH3 are fully engaged.

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

The mechanics and engagement of the policy are clear in this respect insofar that the policy 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.

The proposal is located outside of any defined settlement boundary, in this respect, when assessing the locational aspects of development, Policy DMG2(2) remains engaged which states that:

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

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

In addition to the requirements of Policy DMG2, Policy DMH3 is also applicable given the sites location within the defined open countryside with the policy providing further context stating that:

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

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

The submitted details do not contain any evidence that would suggest that the proposal is '*essential to the local economy or social wellbeing of the area*' nor could it be considered that the proposal '*is needed for the purposes of forestry or agriculture*'. Additionally, in respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing' as defined within the Adopted Core Strategy which states that '*Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment*'.

In light of the above matters it cannot be considered that the proposal meets any of the exception criterion contained within Policies DMG2 nor DMH3 in relation to the creation of new dwellings within the defined open countryside that would lend support to the proposal.

It is noted that the site has previously been subject to a planning appeal, having been dismissed by way of a Hearing held on the 10th of December 2019 (Appeal ref: APP/T2350/W/19/3235162). In determining the appeal and in respect of the principle of the land being appropriate to accommodate new residential dwellings the Inspector stated that:

9. *Key Statement DS1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (the CS), states that development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Policy DMG2 of the CS 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".*
10. *The parties' dispute focusses on whether the development would be local needs housing. The Glossary in the Local Plan defines this as 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 (SHMA).*

In respect of this matter the Inspector added that *'I have no substantive evidence before me to demonstrate that the housing waiting list, housing needs survey for the parish or the SHMA identifies a local need for self-build dwellings. I therefore find that the appeal proposal does not accord with the definition of local needs housing detailed in the CS.'* Further concluding that (Para.15) *'with regards the compliance of the proposed development with the Development Plan, 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.'*

In respect of the above matter, the applicant has not provided any supporting information that would warrant a departure from the previous conclusions reached by both the authority and Inspector in that the development of the site for residential purposes would fail to align with the spatial and locational aspirations for new residential development within the borough as embodied within the adopted Core Strategy. As such there is no compelling material reasons within the supporting information that would suggest that the authority should take a differing view from that of the Inspector in respect of this matter, nor is it considered there are any material or over-riding reasons that would compel the authority to reach a differing conclusion on the matter relating to the acceptability of the principle of the development of the site for residential purposes.

Other Material Matters:

The applicant, within their supporting information, states that new material reasons have arisen following the determination of the previous application that would warrant reassessment as to whether the site should be considered as being appropriate to accommodate residential development.

In this respect the applicant refers to a recent Inspectors decision (APP/T2350/W/20/3253310) known as the 'Chatburn decision' whereby an Inspector found that development, located outside of a defined settlement, but well related to existing built-form, would be acceptable insofar that it would *'consolidate development in a manner closely related to the main built up area'*.

In respect of the Inspectors decision it is firstly important to note that the authority considers that the Inspector has wrongfully interpreted and failed to appropriately or properly engage Policy DMG2. The Inspector, in reaching their conclusion within the aforementioned appeal considered that the proposal represented 'consolidation'. However, Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged when a

proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each component of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

In this respect, by virtue of the proposals location outside of a defined settlement boundary, the latter component of Policy DMG2 (DMG2(2)) is engaged with the primary part of the policy (DMG2(1)) failing to be engaged. As such the authority maintains that the exemption criterion within Policy DMG2(1) cannot be engaged to lend support to the application in particular those criterion that relate to *'consolidation, expansion or rounding-off'*.

At the time of writing this report the authority is engaged in undertaking a Judicial review of the aforementioned decision. Whilst the review has not yet proceeded to the hearing stage, the Secretary of State, at this stage, has conceded that he no longer proposes to defend the Claim, further stating that he accepts that the Council's interpretation of policy DMG2 is correct, and that the decision under challenge stands to be quashed and remitted for redetermination. However, it is noted that that the Second Defendant intends to pursue the defence of the Claim.

As such and in light of the above matters the authority considers that its interpretation of Policy DMG2 is correct in that the primary part of the policy DMG2(1) can only be engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) only engaged when a proposed development is located 'outside' defined settlement areas or within tier 2 villages. In this respect the authority maintains that each component of the policy can only therefore be engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

Notwithstanding the above, in order to respond fully to the applicant's supporting statement, it is also considered appropriate to establish other clear differentiations between the Chatburn application and the current application. The Chatburn application (3/2019/0877) site benefitted from a clear and consistent direct interface with the defined settlement boundary for Clitheroe at its south-western extents with the proposed development also acting as a continuation of existing development under construction.

In assessing the resultant pattern of development that would be resultant from the Chatburn application the Inspector stated that *'having regard to the nature and context of the land immediately around it, particularly the adjacent and adjoining residential development and prevailing pattern of development and built form along Chatburn Road, it is not unreasonable to conclude that the proposed residential development of the appeal site would consolidate development in a manner closely related to the main built up area of Clitheroe'*.

In respect of the above matter, the site to which the current application relates does not benefit from such a relationship either with the defined settlement boundary for Longridge nor does it benefit from such a visual or spatial relationship with nearby built-form, being read as largely separate and disconnected from the settlement of Longridge.

Secondly, in reaching their conclusion in respect of the Chatburn decision, the Inspector cited other benefits that would warrant approval of the proposal even in the omnipresence of direct conflict with Policy DMH3 of the Core Strategy. In this respect the Inspector cited affordable housing being a benefit that weighed in the balance of approving the proposal in addition to the proposal *'boosting the supply of homes in a logical location well-related to existing, on-going and recently built residential development in an accessible and sustainable location directly adjacent to the defined settlement boundary in a manner that would consolidate development in a manner provided for by CS policy DMG2(1)'*. No such benefits are proposed to be brought forward as part of this application with the proposal also failing to have a consistent relationship with the nearby defined settlement boundary for Longridge.

Notwithstanding that the authority considers that the relevant Inspector has failed to appropriately engage or interpret the mechanics of Policy DMG2, it is clear that the current application site fails to benefit from a similar relationship with a defined settlement boundary or built-form that would be comparable to that of the Chatburn site. As such the authority does not consider that there are any reasonable parallels that could be drawn between both applications that would enable or warrant the approval of the application on these grounds.

Visual Amenity/External Appearance:

Whilst the application solely seeks consent for Permission in Principle (PiP) for the erection of 6 dwellings. Consideration must be given to the pattern of development that would be resultant from the proposal and the spatial and visual relationship of the proposal to that of existing built form or the settlement to which it will relate. It is accepted that the current proposal proposes a lower quantum of development than that which was subject to the aforementioned appeal decision and that the submitted details, by virtue of a smaller site area, proposes a lesser-level of north-easterly incursion into the defined open countryside.

Notwithstanding the lower-level of residential development proposed, this does not alter the visual or spatial relationship of the site with the settlement of Longridge and associated built-form, nor does it alter how the development of the site will be visually read in concert with the aforementioned existing built-form. The lower-level of development proposed would only potentially result in a development of a lesser density or one that would represent a lower level of visual incursion into the defined open countryside. In this respect it could still be considered that the resultant pattern of development could be read as being discordant incongruous or anomalous.

In this respect, even although the proposal represents a lower quantum of development from that of the previous appeal, it is clear that the proposal would still represent a significant encroachment into the defined open countryside, particularly given the proposal site only benefits from a slight interface with the defined settlement boundary for Longridge adjacent the existing site access towards the southern extents of the site.

The defining characteristics of the immediate context on the northern side of Higher Road, heading northward out of Longridge, is that of a greenfield nature benefitting from a relatively open aspect. In this respect it is clear, particularly on approach from the north, that the proposed development, by virtue of its degree of northern encroachment and level of visual and spatial detachment from the settlement boundary, would be read as being largely visually isolated from adjacent built-form.

It is therefore considered, as a result of the degree of visual remoteness of the site from the main built up area of Longridge and outward encroachment into the defined open countryside, that the proposed development would be read as a discordant, alien and incongruous form of development that would result in the introduction of a suburbanising element into the defined open countryside.

It is further considered that the proposed development would fail to benefit from any positive visual relationship to the existing built-form of the main built-up area of Longridge. As such, the discordant pattern of development resultant from the proposal would be of significant detriment to the character and visual amenities of the area and the character and visual amenities of the defined open countryside.

Consideration must also be given to the previous Inspectors findings relating to the previous appeal decision (APP/T2350/W/19/3235162) relating to the site. Notwithstanding the lower quantum of development proposed, the Inspector in determining the previous appeal, was explicit in respect of the spatial and visual relationship of the site with that of the built-form of Longridge insofar that the Inspector concluded that *'it does not follow that as a result there would be a visual relationship or link between the settlement and the developed appeal site'* adding that *'the proposed houses, while often*

viewed in the context of the nearby built form of Longridge, would nonetheless be seen as a development that was separated from the established built form of the settlement’.

As such the Inspector concluded that *‘I nonetheless find that the proposed development would harm the character and appearance of the area’* adding that *‘that the harm I have identified to the character and appearance of the area is contrary to Policies DMG1 and DMG2 of the CS that seeks, amongst other matters, that new development is in keeping with the character of the area and designed to be sympathetic to existing land uses’.*

Taking into account the above matters, despite the lower level of development proposed, there is no compelling material reasons that would suggest that the authority should take a differing view to that of the Inspector in respect of concluding that the pattern of development resultant from the development of the site, would be read as being development that was visually separated from the established built form of the settlement.

Observations/Consideration of Matters Raised/Conclusion:

It is for the above reasons and having regard to all material considerations and matters raised that the application for Permission in Principle is recommended for refusal.

RECOMMENDATION:

That permission in principle be refused for the following reason(s)

01 The proposal is considered contrary to 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.

02 It is considered that the approval of this application would lead to the creation of an anomalous, discordant and incongruous pattern and form of development that is poorly related to existing built form and the existing defined settlement by virtue of an unacceptable degree of visual separation. As such, it is considered that the proposal would be of significant detriment to the character, appearance and visual amenities of the area and defined open countryside contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.