

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

APPLICATION NO: 3/2021/0242

DECISION DATE: 17 May 2021

DATE RECEIVED: 06/04/2021

APPLICANT:

Chatburn Developments Ltd
C/o Agent

AGENT:

Mr Christie McDonald
Steven Abbott Associates LLP
Balmoral House
Ackhurst Business Park
Foxhole Road
Chorley
PR7 1NY

DEVELOPMENT PROPOSED: Outline application for up to 2 two storey residential dwellings (access and layout details applied for only)

AT: Land to rear of Glencroft Pendle Avenue Chatburn BB7 4AX

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission **has been refused** for the carrying out of the above development for the following reason(s):

- 1 The proposal is considered contrary to Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation 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.
- 2 The proposal is considered contrary to Key Statement EN2 and Policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy as it would lead to the creation new residential dwellings that would be injurious to the character and visual amenities of the area and would result in unbridled encroachment into the open countryside.
- 3 The Flood Risk Assessment (by Earth Environmental & Geotechnical dated February 2021 (rev. A)) submitted with the application does not comply with the requirements for site-specific flood risk assessments as set out in paragraphs 30-32 of the Flood risk and coastal change section of the PPG and does not therefore provide a suitable basis for assessment to be made of flood risks arising from the proposed development or that the development would be safe for its lifetime.

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- 4 The applicant has not provided sufficient information regarding alternative sites nor submitted evidence to demonstrate that the development proposals would provide wider sustainability benefits to the community that outweigh flood risk and has thus failed to meet the Sequential and Exceptions tests which aim to steer new development to areas with the lowest risk of flooding. In the absence of such information the development is contrary to Policy DME6 of the Core Strategy and paragraph 163 of the Framework.
- 5 The proposed development would restrict essential maintenance and emergency access to the watercourse, Heys Brook. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works and the proposed development could obstruct flood flows, thereby increasing the risk of flooding to surrounding areas, contrary to Core Strategy Policy DME6.
- 6 The applicant has failed to demonstrate that the proposals would retain, maintain and improve the local footpath network contrary to Policy DMB5 of the Ribble Valley Core Strategy (Adopted Version).

Note(s)

- 1 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

John Machole

pp NICOLA HOPKINS

DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

· If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning

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authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.