

**RIBBLE VALLEY BOROUGH COUNCIL**



Ribble Valley  
Borough Council

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**TOWN & COUNTRY PLANNING ACT 1990**

<b>Planning Inspectorate Reference:</b>	APP/T2350/W/19/3242364
<b>LPA Application Reference:</b>	3/2018/1105
<b>NGR:</b>	SD 361561 437175

**APPEAL BY MR M HURST  
AGAINST THE REFUSAL BY  
RIBBLE VALLEY BOROUGH COUNCIL TO GRANT OUTLINE PLANNING PERMISSION  
FOR THE ERECTION OF 21 DWELLINGS AND ASSOCIATED WORKS AT  
HIGHER COLLEGE FARM, LOWER LANE, LONGRIDGE, PR3 2YY**

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

## 1. INTRODUCTION

1.1 This written statement is submitted by Ribble Valley Borough Council in respect of the appeal lodged against the Council's decision to refuse outline planning permission for residential development to 21 dwellings at Higher College Farm, Lower Road, Longridge.

1.2 The planning application was refused under delegated powers on 3 June 2019 for four reasons: -

- 1) *The proposal would lead to a loss of land with employment generating potential, allocated for employment use in Policy EAL of the emerging Housing and Employment Development DPD, without sufficient justification which would be detrimental to the economic and social wellbeing of the area contrary to Policy DMB1 of the Core Strategy which seeks to safeguard employment opportunities and support the local economy and paragraph 15 of the Framework which states that the planning system should be genuinely plan-led.*
- 2) *The proposal is considered contrary to Key Statements DS1, DS2 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the defined open countryside without sufficient justification which would cause harm to the development strategy for the borough.*
- 3) *It is considered that the approval of the application would lead to the creation of an anomalous, discordant and incongruous patterns and form of development that is poorly related to existing built form and the existing settlement boundary by virtue of an unacceptable degree of visual separation. As such, it is considered that the proposals would be of significant detriment to the character, appearance and visual amenities of the area contrary to policies DMG1 and DMG2 of the Ribble Valley Core Strategy.*
- 4) *The applicant has failed to demonstrate whether the proposed development would provide satisfactory living conditions for future occupants, in terms of noise and disturbance. Therefore, it would be contrary to Policy DMG1 of the Core Strategy and the Framework, which seeks at paragraph 128 to create*

*places with a high standard of amenity for existing and future users, to avoid noise giving rise to significant adverse impacts on health and the quality of life at paragraph 180 and to ensure that new development can be integrated effectively with existing businesses and community facilities at paragraph 182.*

## **2. APPEAL SITE AND SURROUNDING CONTEXT**

- 2.1 The appeal site is located to the east of the settlement of Longridge and extends to an area of approximately 1.5 hectares of agricultural land to the north of the former farmhouse of Higher College Farm. The site is accessed from Blackburn Road which is located to the north of the site. A full description of the site is contained in the officer's delegated report and it is common ground that this forms an accurate description of the site.
- 2.2 The appeal site is identified as an employment land allocation (EAL3) in the Housing and Economic Development (HED) DPD which was adopted on 15 October 2019 having been found sound by the EiP Inspector. The site also benefits from outline planning consent for employment development (B1, B2 and B8) comprising 3,068sqm of employment floorspace including the change of use of the farmhouse to office accommodation under planning application 3/2017/0602 which was approved on 1 December 2017. This permission remains extant.
- 2.3 Land to the east of the site also benefits from outline planning permission (ref. 3/2017/0317) for mixed employment use (B1, B2 and B8) of up to 8,500sqm of floorspace approved by the local planning authority in September 2017. A further application to the south of the approved site was recently granted planning permission for the erection of three buildings for B1 use.

## **3. THE PROPOSED DEVELOPMENT**

- 3.1 Outline planning permission is sought for the erection of up to 21 dwellings with all matters reserved except for access. The proposed access would comprise a junction with Blackburn Road located centrally at the front (north) of the site.
- 3.2 Of the 21 dwellings proposed, 30% would be affordable units and 15% would be units for older people (over 55's housing designed to comply with Part M4(2) 'Category 2 -

Accessible and adaptable dwellings' of Approved Document M (volume 1 2015) of The Building regulations 2010). The development would also provide financial contributions towards off-site leisure/recreation facilities and education.

#### **4. RELEVANT PLANNING POLICY & GUIDANCE**

4.1 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) and HED DPD. The appeal site lies outside but adjacent to the adopted Longridge Neighbourhood Plan area boundary.

##### **4.2 National Policy Context**

4.2.1 The Council's evidence will consider the appeal proposals against the policy guidance contained in the National Planning Policy Framework (NPPF), and in particular the extent to which it does or does not comply with the policy guidance given in the NPPF regarding the requirement to support economic growth and productivity (paragraphs 80-82).

4.2.2 Paragraph 2 of the Framework establishes that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.2.3 Paragraph 12 of the Framework confirms that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'*.

4.2.4 The Council will also refer to the National planning policy guidance (PPG).

##### **4.3 Local Policy Context**

- 4.3.1 The development plan for the Borough comprises the Ribble Valley Core Strategy and the HED DPD. The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies. In particular the evidence will explain why it is considered that the proposals do not comply with those policies identified in the reasons for refusal which are set out below. The Council will also refer to local guidance and other background documents which supplement the above policies.

### **Ribble Valley Core Strategy**

#### Key Statement DS1 (Development Strategy)

- 4.3.2 Key Statement DS1 sets out the Borough's housing strategy. The majority of new housing development will be concentrated within the strategic site at Standen and the Borough's principal settlements of Clitheroe, Whalley and Longridge. In addition, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements. In general, the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.

#### Key Statement DS2 (Sustainable Development)

- 4.3.3 The presumption in favour of sustainable development is the 'golden thread' running through the National Planning Policy Framework. Key Statement DS2 reflects this and emphasises the role of securing sustainable development.

#### Policy DMG1 (General Considerations)

- 4.3.4 Policy DMG1 is the general development management policy. Amongst other requirements it states that development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. It places particular emphasis be placed on visual appearance and the relationship to surroundings, including impact on landscape character, and states that development must not adversely affect the amenities of the surrounding area.

#### Policy DMG2 (Strategic Considerations)

- 4.3.5 Policy DMG2 assists the interpretation of the Development Strategy (Key Statement DS1) and underpins the settlement hierarchy for the purposes of

delivering sustainable development. The first part of Policy DMG2, referred to as DMG2(1), requires development proposals in the Principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 villages to 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.

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

1. Should be essential to the local economy or social wellbeing of the area.
2. Should be needed for purposes of forestry or agriculture.
3. Should be for local needs housing meeting an identified need and would be secured as such.
4. Development for small-scale tourism or recreation purposes that are appropriate to a rural area.
5. Small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
6. The development is compatible with the Enterprise Zone designation.

4.3.7 In addition to meeting one of the above considerations Policy DMG2 also requires 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.

Policy DMB1 (Supporting Business Growth and the Local Economy)

4.3.8 Policy DMB1 supports development which encourages business growth and the local economy. In addition, the policy seeks to protect existing employment sites or sites with employment generating potential. Proposals for the development, redevelopment or change of use of sites to alternative uses will be assessed with regard to the economic and social impact caused by the loss of employment opportunities to the borough and any attempts that have been made to secure an alternative employment generating use for the site.

Policy DMH3 (Dwellings in the Open Countryside and AONB)

- 4.3.9 The protection of the open countryside and designated landscape areas 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. Policy DMH3 seeks to manage residential development in the open countryside and AONB. Residential development in these areas is restricted to: 1) development essential for the purposes of agriculture or residential development which meets an identified local need; 2) the appropriate conversion of buildings to dwellings; and 3) the rebuilding or replacement of existing dwellings. The proposed development does not seek to convert buildings to dwellings nor does it seek to rebuild or replace existing dwellings. The appeal proposals would therefore need to comply with Policy DMH3 criterion 1) by meeting an identified local need.

#### **Housing and Economic Development DPD (HED DPD)**

- 4.3.10 The HED DPD sets out more detailed policy coverage for matters relating to housing and the economy to fully implement the policies of the Core Strategy. Policy EAL includes relevant allocations for employment to meet residual employment land requirements as measured against the overall requirement and spatial distribution of employment provision set out in the Core Strategy. The appeal site is identified as EAL3 and is allocated for employment uses (falling within classes B1 to B8).

## **5. CASE FOR THE LOCAL PLANNING AUTHORITY**

### **5.1 Reason for Refusal One – Loss of Employment Land**

- 5.1.1 Paragraph 15 of the Framework states that planning should genuinely be plan-led. As acknowledged above, the appeal site is identified as an employment land allocation (EAL3) in Policy EAL of the HED DPD which was adopted in October 2019.
- 5.1.2 It is considered by the local planning authority that the proposed development would result in the loss of land with employment generating potential that has recently been allocated in the development plan for employment use and thus is contrary to the development plan for the borough.

- 5.1.3 The Employment Land Review (ELR) carried out on behalf of the Council in 2013 formed part of the evidence base for the Core Strategy and assessed the supply, need and demand for employment land and premises (use class B) in Ribble Valley for the period to 2028.
- 5.1.4 The recommendations of the ELR were that the Borough required another 8 hectares of employment land, to 2028 and that the Council explore the feasibility of bringing forward new allocations in Longridge (considering sites at College Farm and to the rear of Sainsbury's) and in the Clitheroe area (at Standen and Salthill). In accordance with these recommendations, Key Statement EC1 of the Core Strategy states it will aim to allocate an additional 8 hectares of land for employment purposes in appropriate and sustainable locations during the lifetime of the plan.
- 5.1.5 The Core Strategy Inspector's report (document 02) states at paragraph 113 that, *"Overall, I consider the ELR Refresh to be a suitably robust basis for setting the Plan's employment land requirements. Following its recommendations regarding future employment land provision is an appropriate path."*
- 5.1.6 The role and purpose of the HED DPD is to provide more detailed policy coverage on key issues related to the economy and housing where necessary. It includes relevant allocations, including housing and employment land.
- 5.1.7 The Council undertook a consultation on the Issues and Options HED DPD (Reg. 18) from 26 August 2016 to 7 October 2016. The Issues and Options HED DPD identified that since the Core Strategy was adopted in December 2014, planning applications had been granted for employment uses on land totalling 5.59ha and subsequently the residual amount of land to be allocated to meet the strategic employment land requirement in the remainder of the plan period was 2.41ha.
- 5.18 In response to the abovementioned consultation, representations were submitted by Judith Douglas on behalf of the appellant, Mr. Hurst, to formally suggest the appeal site for allocation by the Council for employment purposes (document 03). This identified the importance of providing a degree of



flexibility and choice for the market and to allow a balance against employment losses. Furthermore, no constraints on delivery or abnormal costs in preparing the appeal site for employment purposes were identified. The land at Higher College Farm was subsequently identified as an employment land allocation at Preferred Options (Reg. 19) stage and remained earmarked as such in the Submission Version of the HED DPD.

5.1.9 The Inspectors report into the HED DPD (document 04), published 10 September 2019, identified that the proposed employment land allocations contained therein amounted to around 4ha giving an overprovision of 1.6ha. Paragraph 41 of the Inspectors report states, *“Along with the existing commitments that have come forward since the adoption of the CS, these will ensure flexibility, and a choice of sites and locations to accommodate economic growth. From the evidence, I am satisfied that the employment land allocations proposed are deliverable, and subject to the monitoring regime set out in Section 11 of the CS, will address the likely needs for future employment growth within the Borough”*.

5.1.10 As noted above, prior to adoption of the HED DPD the appeal site was the subject of an outline planning application submitted on behalf of the appellant to the Council in June 2017 for employment use (B1, B2 and B8). The case put forward in support of the proposed development at the time highlighted:

- the limited employment opportunities available in the Borough, which results in a high level of daily out-commuting to access employment opportunities.
- that the proposal would support the underlying strategic approach of the Core Strategy to align jobs with homes in the main settlements, including Longridge which has attracted a considerable amount of new housing in recent years and more housing is planned.
- That identified new employment sites had yet to been allocated, and whilst an outline planning application had been submitted on the neighbouring site this had not yet been approved nor had any new employment development been delivered.

- 5.1.11 The Planning Statement submitted in support of the application (document 05) stated that, *“development of the site for employment purposes would be readily achievable as the site has no inherent constraints on its development. The grant of outline planning permission would assist in meeting the identified residual employment requirement (which, in any event, should not be regarded as a ‘maximum’) for the Borough. It would provide for future flexibility, choice and additional opportunities for generating jobs in the local area without reliance on unsustainable out-commuting levels”*.
- 5.1.12 The officers committee report for the application (document 06) supported the development proposals in the open countryside on the basis that the proposals would make an important contribution to the provision of local employment opportunities for the area. The proposals were thus found to accord with Core Strategy Policy DMG2 on the basis that, whilst outside the defined settlement areas, the development was essential to the local economy.
- 5.1.13 Policy DMB1 of the Core Strategy seeks to protect existing employment sites or sites with employment generating potential. The appeal site, by virtue of its allocation for employment use in the recently adopted HED DPD, is a site with employment generating potential and as such Policy DMB1 is fully engaged.
- 5.1.14 In support of the appeal proposals it is now the view of the appellant that the land use allocation in Policy EAL of the HED DPD can be met and that the loss of the appeal site for employment purposes would not result in a shortfall in the overall Core Strategy requirement. In support of this, the appellant refers to the employment development that was granted outline planning permission on approximately 2 hectares of land to the east of the appeal site. It must be acknowledged however that the employment site referred to is a windfall site. No application for reserved matters has yet been forthcoming and in the event that consent lapses, the adjacent site would no longer contribute towards the Council’s employment land requirement. Refusal reason 4 (below) sets out how approval of the appeal scheme could render the neighbouring employment site less attractive to potential occupiers or require the imposition of noise attenuation measures so as to render the site unviable or undeliverable.

- 5.1.15 The appeal site is now allocated for employment use in the development plan which covers the period 2008-2028 with the effect of safeguarding the land for that specific use to meet the employment land requirements for the Borough, ensuring flexibility and a choice of sites. In selecting the site for allocation, the Council and the EiP Inspector, were satisfied that the site was deliverable. The site allocation process is considered to be a fundamental component of the plan-led planning system and it is considered that the release of the appeal site for an alternative non-employment generating use would undermine the statutory status of the development plan, in particular the HED DPD which was found sound and adopted only within the last 6 months.
- 5.1.16 The appellant seeks to demonstrate that the proposed development accords with Core Strategy Policy DMB1 which states that proposals for the development, redevelopment or change of use of sites to alternative uses will be assessed with regard to *'the economic and social impact caused by the loss of employment opportunities to the borough'* and *'any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)'*
- 5.1.17 The planning application was supported by a brief commentary from commercial property consultants Eckersley on the employment market in Longridge in order to assess the economic and social impact caused by the proposed loss of employment land at Higher College Farm. This is now supplemented by a Commercial Viability Report.
- 5.1.18 In terms of the capacity of the market and demand it is acknowledged that reasonable demand exists in Longridge for new employment floor space. The commentary goes on to state however that it is very doubtful that demand would be sufficient to deliver the both the application site and the adjacent site. The commentary goes further to consider the appeal site to be an unsuitable location for development of the scale proposed, disregards occupiers falling within Class B2 due to the proximity to residential

development and that the site would not be suitable for B8 uses for logistical reasons.

- 5.1.19 The above is contrary to the planning officer's consideration of the earlier planning application for employment use at the appeal site where it was considered that with a noise assessment at reserved matters stage and implementation of suitable controls, the site could be operated without impacting on nearby noise sensitive receptors. Furthermore, the Transport Statement submitted in support of application 3/2017/0602 highlighted that the development would provide smaller starter units that would generate traffic which that would be small in nature.
- 5.1.20 In terms of the site's viability for employment development, the consultant identifies a wider issue across the business space market and that, "given the sites location approximately 5 miles from the nearest motorway junction, market values are at the lower end of the new build range". Further concern is expressed in relation to the viability of the proposed conversion of the existing house, Higher College Farmhouse, to office use.
- 5.1.21 Whilst the information provided gives a brief overview of the existing employment market, it is considered to represent the opinion of a single property consultant without the support of marketing. In terms of the site's location, the sustainability appraisal for the site undertaken during the plan-making process states that "the area is relatively well served by sustainable transport links".
- 5.1.22 As part of the application process, the views of another commercial property consultant, Trevor Dawson, were submitted to the Council in conjunction with an objection received from the neighbouring landowner. According to the submitted letter, the adjacent employment site has been marketed since the beginning of the year (2019) and it is stated there has been strong interest from both developers and land occupiers with several offers received in excess of the asking price. It is said that sale of the land could have been completed had terms been agreed with both landowners. The letter concludes that the appeal site is needed to meet evident demand.

- 5.1.23 Having regard to the above, the local planning authority considers the site is required to meet the employment needs of the borough and to provide a degree of flexibility and choice for the market and to ensure that the creation of new employment opportunities keeps pace with residential development.
- 5.1.24 The appellant sought to support the inclusion of the appeal site as an employment land allocation in the HED DPD, providing evidence that the site was suitable and deliverable. No reason has been presented to demonstrate that circumstances have changed so significantly in terms of the site's suitability and deliverability. The case put forward by the appellant, in support of a proposal for an alternative non-employment use, seeks to undermine the evidence put forward on his behalf in support of the site's allocation for employment in the HED DPD. This, together with the market advice by Trevor Dawson and a failure to adequately market the site, fail to satisfy the Council that the proposed development is compliant with Policy DMB1.

## 5.2 Reason for Refusal Two – Development Strategy

- 5.2.1 The latest published position in relation to housing land supply is contained in the Council's Supply Statement<sup>1</sup> which demonstrates a deliverable 6.6-year housing land supply from the base date of 30 September 2019 against an annual housing requirement of 280 dwellings. It is noted however that it has been over five years since the adoption of the Ribble Valley Core Strategy which contains the housing requirement figure of 280 dwellings per annum and therefore it is now appropriate for local housing need to be calculated using the standard method set out in national planning guidance in accordance with paragraph 73 of the NPPF. The standard method calculates that a minimum of 148 dwellings per annum are needed in Ribble Valley and the next scheduled publication of the Council's Supply Statement will calculate housing land supply based on the standard method figure. In either scenario, the Council is able to comfortably demonstrate a deliverable 5-year supply of housing land.
- 5.2.2 Reference is made within the appellant's statement at paragraph 5.36 to the recently commissioned Strategic Housing and Economic Needs Assessment

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<sup>1</sup> [https://www.ribblevalley.gov.uk/download/downloads/id/12470/five\\_year\\_supply\\_statement\\_september](https://www.ribblevalley.gov.uk/download/downloads/id/12470/five_year_supply_statement_september)

(SHENA) by Turley. The above document will form part of the Council's evidence-base to inform the Local Plan review. However, it is considered by the Council to have no weight in the decision-making process given its part as an evidence-based document.

5.2.3 Additionally, the appellant has sought to challenge the supply and delivery of housing in Longridge itself. As at 30<sup>th</sup> September 2019 existing completions and commitments for Longridge are above the residual housing requirement for the settlement as set out in table 4.12 of Core Strategy Key Statement DS1. Whilst it is important to acknowledge that the residual requirements contained in table 4.12 serve only to guide the general distribution of housing across the borough in accordance with the development strategy, whether considered against the requirement to maintain a five-year supply of housing land or against the residual requirement figure for Longridge, at present there is no overwhelming need to grant permission for housing in Longridge. Moreover, taken from the Housing Land Availability Schedule (HLAS)<sup>2</sup> September 2019, housing completion rates in the borough have significantly exceeded the annual housing requirement figure of 280 dwelling since 2015. During the first half of the current monitoring period, 1 April 2019 to 30 September 2019, 313 dwellings were recorded as complete. The Government's objective to significantly boost the supply of homes is being met in the Ribble Valley.

5.2.4 Core Strategy Key Statement DS1 'Development Strategy' is supported by reasoned justification that includes table 4.12. Table 4.12 identifies a broad pattern of distribution for new housing development expressed as an anticipated number of homes to be required in each settlement over the plan period to meet the minimum delivery target of 5,600 dwellings. The Council accepts that directing up to 21 dwellings towards the Principal Settlement of Longridge would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy.

5.2.5 As such, the Council will not provide a defence in relation to Refusal Reason 2 insofar as it relates to the overarching development strategy as set out at

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<sup>2</sup> [https://www.ribblevalley.gov.uk/download/downloads/id/12472/housing\\_land\\_availability\\_schedule\\_hlas](https://www.ribblevalley.gov.uk/download/downloads/id/12472/housing_land_availability_schedule_hlas)

Key Statement DS1. However, the Council do intend to defend Refusal Reason 2 on the basis that the proposed development would be contrary to Policies DMG2 and DMH3 of the Core Strategy. This is embodied with the Statement of Common Ground.

- 5.2.6 The appeal site lies in an area defined as open countryside. Core Strategy Policy DMG2 (1) states *'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.'* The appellant contends that the Proposals Map for the borough, which accompanies HED DPD, should have incorporated an amendment to the settlement boundary for Longridge to include the appeal site. However, the Proposals Map has been adopted by the Council alongside the HED DPD and is afforded full weight in the decision-making process.
- 5.2.7 The Local Planning Authority accepts that 'consolidation' and 'expansion' as contained in Policy DMG2 (1) and defined in the Core Strategy Glossary is not confined to being within the settlement boundaries of Principal Settlements and Tier 1 villages in certain circumstances where the lack of a five-year supply is an issue for example or other material considerations are relevant to the planning balance, none of which apply to this appeal case.
- 5.2.8 Compliance with the first part of Policy DMG2 is dependent on whether the appeal site is physically and functionally well-related to main built-up area of Longridge and would constitute consolidation, expansion or rounding-off. The site does not directly bound the Longridge settlement boundary, being separated from the easternmost extent of the Dilworth Lane housing development by Blackburn Road, and south of Blackburn Road there would be a visual separation of 150 metres between the development site and the Lower Lane and Dilworth Lane junction and 450 metres to the nearest development on the south side of Lower Lane.
- 5.2.9 The application site would fail to *'consolidate, expand or round-off development so that it is closely related to the main built up areas'* as required by Policy DMG2(1) of the Core Strategy. Whether experienced from Blackburn Road or seen in long-distance views from the north, the proposed

development would be visually and physically disconnected from the main built up area and would be observed as an anomalous incursion into the open countryside.

5.2.10 The second part of Policy DMG2 applies to the appeal site given its location outside the defined settlement and 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. *The development is compatible with the enterprise zone designation.'*

5.2.11 Core Strategy Policy DMH3 relates specifically to residential development in the open countryside (and AONB) and establishes the circumstances to which it would be limited to – this includes residential development which meets an identified local need. A definition of 'Local Needs Housing' is contained in the Core Strategy Glossary.

5.2.12 The appeal proposals would fail to meet any of the requirements of the second part of Policy DMG2 and Policy DMH3. Thus, development would lead to the creation of new dwellings in the defined open countryside contrary to policies DMG2 and DMH3 of the Core Strategy without sufficient justification

### 5.3 Reason for Refusal Three – Effect on the Character, Appearance and Visual Amenity

5.3.1 In terms of its location, the appeal site lies to the east of the settlement of Longridge on the south side of Blackburn Road. The site lies outside of, and detached from, the settlement boundary of Longridge in the open countryside.



- 5.3.2 Policy DMG1 provides a general requirement to consider the visual appearance of development and its relationship to surroundings, including impact on landscape character. Policy DMG2 'Strategic Considerations' also requires consideration to be given to the impact of development in the open countryside and the requirement to be in keeping with the character of the landscape and acknowledge the special qualities of the area. Core Strategy reasoned justification for Policy DMH3 states that, *'the protection of the open countryside and designated landscape areas 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'*.
- 5.3.3 Approaching Longridge from the east, the shift from rural surroundings to an urban environment is felt most notably at the junction between Lower Lane and Dilworth Lane. From here, travelling towards the centre of Longridge along Dilworth Lane, there is soon to be residential development on both sides of the highway. As noted above, it is thought that the appeal site would fail to *'consolidate, expand or round-off development so that it is closely related to the main built up areas'* as required by Policy DMG2 of the Core Strategy. Whether experienced from Blackburn Road or seen in long-distance views from the north, the proposed development would be visually and physically disconnected from the main built up area and would be observed as an anomalous incursion into the open countryside.
- 5.3.4 It is acknowledged that the appeal site has an extant consent for employment use and the appellant states that the proposed residential use would result in a reduction in the scale of built form. The appellant contends that the proposed development would therefore result in less visual harm than the already approved employment development.
- 5.3.5 The appeal site is an area of relatively flat agricultural land and does not possess any particular physical features that take it beyond ordinary countryside. However, all landscape has a value and this is reflected in paragraph 170 of the Framework which requires planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

5.3.6 Careful consideration was given to the visual and landscape impact of development of the site for employment at application stage. The committee report for application 3/2017/0602 states at paragraph 5.3.4:

*“5.3.4 It is noted that existing built form at the site is located a significant distance back from the main road so that it is not readily visible from Blackburn Road. Furthermore, there is degree of separation between the western boundary of the site and the draft settlement boundary of Longridge. The development of this site would introduce built development on a parcel of greenfield land and undoubtedly there would be a visual influence resulting from the proposals. However, it is considered that the visual impact of the development on the surrounding landscape would not be so visually damaging as to warrant refusal of the application at this stage. I am mindful that the existing landscape features including hedging and trees would be retained and that, according to the illustrative site layout the buildings would be set back from the site frontage with Blackburn Road by around 20 metres. As stated in the Planning Statement, it is anticipated that the buildings would be of a single storey scale and, as such, would be commensurate in height to existing buildings surrounding the site. The details of the proposed buildings including facing materials would require careful consideration at reserved matters stage in order to allow them to assimilate into the landscape and have least visual harm.*

*5.3.5 The area surrounding the application site is characterised by various forms of built development and there is inter-visibility between the site and settlement boundary of Longridge. It is not considered that the proposed development would result in significant detriment to the character and visual appearance of the area to outweigh the economic benefits which would arise subject to acceptable details of appearance, landscaping, layout and scale which would be considered at reserved matters stage and subject to appropriate conditions which would moderate the visual impact of the development to an acceptable level.”*

5.3.7 There are examples of sympathetically designed employment premises elsewhere in the Ribble Valley where smaller starter units have utilised traditional local materials such as natural stone and timber and the visual and landscape impact of such development has been minimised. Nonetheless, it is acknowledged in the aforementioned committee report that the employment development would have an adverse visual impact but, weighed against the benefit of the provision of employment premises which would promote local employment opportunities, it was considered that the development was acceptable.

5.3.8 Whilst the appeal proposals would result in equivalent visual harm, it would generate none of the medium to long-term economic benefits which attracted significant positive weight in the Council's decision to approve the employment scheme. As evidenced in section 5.2 above, the Council is able to demonstrate a healthy supply of deliverable housing land and housing delivery over the past five years has been significantly above the annual requirement. The benefits arising from the provision of 21 dwellings are considered to be modest. Whilst the development would provide some benefits in form of the requisite percentage of affordable and over 55's units, off-site highways improvements including provision of extended footways and improvements to the Corporation Arms junction, and financial contributions towards education and improvement of off-site recreational facilities, these are not considered sufficient to justify approval of the development contrary to the development plan including harm to the open countryside.

#### 5.4 Reason for Refusal Four – Noise and Disturbance

5.4.1 NPPG Noise Paragraph: 001 (Reference ID: 30-001-20190722) states that, *'Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).'* The extant outline planning consent for industrial development on land adjacent to the appeal site imposed a conditional requirement that emitted noise levels should not exceed background noise levels when measured at the boundary of the nearest noise sensitive premises (see condition 05, document 01). The provision of 21 new dwellings on adjacent land would therefore introduce new noise sensitive premises and

there is a requirement to assess the relationship between potential neighbouring land uses.

The Council's Environmental Health Officer in her consultation response to the appeal application dated 24 January 2019 stated,

*'I consider it essential that a noise impact assessment (undertaken by a person suitably qualified in acoustics) is submitted by the applicant. The assessment shall fully demonstrate how the undernoted Noise Standards will not be exceeded at each of the proposed dwellings. The assessment shall consider the impact of road traffic noise and noise from the existing adjacent industrial site. NB As the proposed industrial development has been granted planning permission, but is not yet in existence, it is important that the 'worst case' scenario predicted noise levels at each of the industrial units are included in the assessment (as these will impact on the proposed dwellings). Where applicable, the assessment shall include full details of noise mitigation measures, e.g. acoustic glazing, ventilation and fencing necessary at each of the proposed dwellings.'*

- 5.4.2 An Acoustic Report by M E Solutions was subsequently submitted and states that the aforementioned condition imposed on planning consent 3/2017/0317 means that noise from the employment development could not exceed existing background sound levels and that any future reserved matters application relating to the adjacent site would need to consider the residential proposals that are the subject of this appeal, should it be allowed. The Acoustic Report concludes that no further assessment is required.

- 5.4.3 On 22 May 2019 the Council's EHO issued a further response stating that,

*'the proposed residential development may cause an unreasonable burden on the approved, but not yet developed, Blackburn Road industrial development (3/2017/0317), owing to increased costs for additional noise mitigation. It may even be the case that the industrial development could not logistically comply with condition 5 of its planning approval for noise should the residential development (3/2018/1105) go ahead.'*

*I do not consider that it is acceptable for the MES noise assessment (report no. 1719-1) to conclude that no further assessment of the potential impact of noise (from 3/2017/0317) on the proposed residential development is necessary, owing to reliance on the industrial development's noise condition (5) to effectively safeguard the amenity of the development. Additionally, in my original consultation to you dated 24<sup>th</sup> January 2019, I made it clear that the noise assessment for 3/2018/1105 should provide the 'worst case' scenario for predicted noise levels at each of the industrial units (for 3/2017/0317) as these would impact on the proposed dwellings. However, the submitted assessment by MES does not provide this information.*

*I consider that there are currently two options: the first is for the applicant to provide a further detailed assessment of potential noise (using the 'worst case' noise levels) from the industrial development (3/2017/0317) as it would impact on the proposed residential development (3/2018/1105). The second would be for the industrial development (3/2017/0317) to come into full use before any additional permissions are given for nearby residential development(s).'*

5.4.4 The provision of 21 dwellings at the appeal site would result in the introduction of new noise sensitive receptors in close proximity to the adjacent employment site boundary. The proposed development would therefore be the 'agent of change'. The applicant has failed to demonstrate that the proposals would not be detrimental to the desirability or delivery of the adjacent land for employment (B1, B2 and B8 uses).

5.4.5 It is considered that a full assessment of unrestricted noise that could arise from the permitted employment uses, and how it would impact upon potential future occupants of the residential dwellings for which permission is sought, should be carried out so that the relationship between proposed uses can be thoroughly assessed.

## **6. OVERALL PLANNING BALANCE**

- 6.1 Having regard to all of the above, the local planning authority is not satisfied that the information provided by the application robustly demonstrates that the land in question cannot be developed for employment generating purposes.
- 6.2 The appellant has failed to provide the appropriate evidence to demonstrate that the site is unviable for employment purposes and the site is allocated for employment use in the recently adopted HED DPD. The proposals are considered contrary to Policy DMB1 of the Core Strategy and Policy EAL of the HED DPD. The sites development for residential development would be in direct conflict with the core planning principle of the Framework that planning should genuinely be plan-led (paragraph 15) and the Council is able to demonstrate a robust supply of deliverable housing land and evidence of an accelerated rate of housing over the past five years such that there is no overwhelming requirement to consent additional residential development at this time.
- 6.3 The development would lead to the creation of new dwellings in the defined open countryside contrary to policies DMG2 and DMH3 of the Core Strategy without sufficient justification and would result in a discordant, alien and incongruous pattern of development by virtue of its significant outward encroachment into the defined open countryside.
- 6.4 Further, the appellant has failed to demonstrate that the proposed residential development could co-exist alongside the adjacent permitted employment development site without future residents being subject to undue adverse noise and disturbance or placing unacceptable and/or prohibitive restrictions on the employment use.
- 6.5 Even if the necessary contributions and other matters are secured via a completed planning obligation, any benefits that would arise from allowing the proposals to take place would not outweigh the conflict with Ribble Valley Core Strategy policies and that conflict with the development plan is such that it will not be outweighed by other material considerations. Accordingly, the appeal should be dismissed.
- 6.6 The Council will provide a list of suggested conditions considered necessary should the Inspector be minded to allow the appeal and seek to agree them with the appellant where possible.

