

APPEAL BY

MR E HINE (LPA RECEIVER FOR PAPILLION PROPERTIES LTD.)

AGAINST THE REFUSAL OF

RIBBLE VALLEY BOROUGH COUNCIL

TO GRANT OUTLINE PLANNING PERMISSION FOR

ERECTION OF 73 OPEN MARKET DETACHED DWELLINGS

AND

31 SOCIAL HOUSING PROPERTIES

AT

**SITE 2, BARROW BROOK BUSINESS VILLAGE, BARROW, CLITHEROE,
LANCASHIRE**

HEARING STATEMENT

PI Reference: APP/T2350/A/12/2176977

LPA Reference: 3/2012/0158

Refused: 25 May 2012

September 2012

1 INTRODUCTION

- 1.1 A draft Statement of Common Ground (SOCG) was sent to the Council on 23 July 2012 (appendix 1). An email response on 8 August 2012 (appendix 2) confirms that the four items detailed in paragraph 1.3 comprise the issues on which there is disagreement between the appellant and the Council. Accordingly this hearing statement should be read in conjunction with paragraph 1.3 of the draft SOCG which remains unchanged, and which has determined the order in which issues are considered.
- 1.2 This hearing statement is supported by the following documents
- Transport Statement prepared by Development Transport Planning Consultancy (appendix 3)
 - Transport Statement Appendices prepared by Development Transport Planning Consultancy (appendix 4)
 - Analysis of the Commercial Property Market in The Ribble Valley With Particular Reference to Site 2 including details of the Marketing Campaign by Taylor Weaver Ltd (appendix 5)
 - Analysis of Employment Land Needs in the Ribble Valley prepared by Regeneris Consulting (appendix 6)
- 1.3 This statement should also be read in conjunction with all the documents that comprised the planning application submission, listed at J8 on the planning appeal form.
- 1.4 It is our intention that for the benefit of the Inspector a short update will be prepared, at the latest in the week preceding the hearing to clarify any matters on which there has been change since the writing of this statement, including but not limited to the determination of planning applications cited.

2 ISSUES

2.1 HOUSING POLICY AND LAND SUPPLY

- 2.1.2 The determination of applications for residential development currently relies on the distillation of policy from a number of documents:

GOVERNMENT GUIDANCE

- 2.1.3 The National Planning Policy Framework (NPPF) became effective on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements. Paragraphs 47 - 55 relate specifically to housing; paragraph 14 describes the presumption in favour of sustainable development and the implications for both plan-making and decision-taking.

DEVELOPMENT PLAN

- 2.1.4 At the time of writing, the North West of England Regional Spatial Strategy to 2021 (RSS) remains part of the statutory development plan and provides guidance in respect of strategic planning at a regional level. Policy L4 Regional Housing Provision (appendix 7A) details the housing provision

required of each local planning authority through the period 2003 - 2021; for Ribble Valley the figure is 2900, equating to an annual average rate of housing provision (net of clearance replacement) of 161 units per year.

- 2.1.5 The Ribble Valley Districtwide Local Plan (RVDWLP) was adopted in June 1998 and had a 15 year plan period 1991-2006. Selected policies were subsequently saved under the terms of the Planning and Compulsory Purchase Act 2004 and continue to comprise part of the statutory development plan until such time as they are replaced by Local Development Framework or Local Development Document policies. Whilst some of the policies have been saved it is clear that the local plan is palpably out of date given that its period expired 6 years ago. Of the saved policies, G4 from within the settlement strategy (appendix 8A) and housing policy H20 (appendix 8B) are applicable. The restrictive approach to development beyond settlement boundaries that was only intended to endure to 2006 is plainly out of date.
- 2.1.6 Policy G4 states that for a number of villages including Barrow, planning permission will be granted for development in categories including "d) *Proposals which contribute to the solution of a particular local housing, social, community or employment problem. In the case of housing development proposals will be expected to conform to Policy H20*". Policy H20 Affordable Housing: Villages (except infill sites) and Countryside states that planning permission will only be granted for 100% affordable needs.

LOCAL DEVELOPMENT FRAMEWORK

- 2.1.7 The Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 19 Consultation Draft has been out for public consultation until 15 June 2012. Consultation on proposed alterations is due to take place in September 2012, as approved by the Planning and Development Committee on 16 August 2012 (appendix 10H) and by Full Council on 28 August 2012 (appendix 11).
- 2.1.8 Drawing on the evidence base, the document details chosen options for development. Key Statement H1 (appendix 9B) states that land will be made available for 4,000 new dwellings (net) through the plan period, of which 816 will be in settlements other than Clitheroe, Longridge and Whalley and Standen strategic site; Key Statement DS1 (appendix 9A) details the development strategy. There are no site allocations except for the Standen strategic site (appendix 9D). No Site Allocations Development Plan document has been prepared, and it is anticipated that this part of the Local Plan will not be brought forward for a considerable period of time (see RVBC's LDS).
- 2.1.9 With regard to the relative weight that should be attributed to the documents detailed above, the NPPF came into force in March this year and is therefore fully up-to-date and accordingly carries full weight. The RSS carries some weight although is due to be abolished. In contrast, the saved local plan policies reflect a local plan that was drafted with reference to the Joint Lancashire Structure Plan, (which was superseded by the RSS in September 2008). Much has changed in the interim, both in terms of government and strategic guidance and in the housing market.

- 2.1.10 Importantly, defined settlement boundaries on the local plan proposals map were drawn relatively tightly in order to facilitate the housing land requirement for a local plan period to 2006 but no more, in order to protect the open countryside. As the requirement for housing land continues, those boundaries are no longer defensible as is evidenced by the number of applications for residential development that have been approved on sites outside the defined settlement boundaries. Thus the policies saved from the local plan in respect of the settlement strategy and housing must be regarded as out of date as a matter of principle (see section 49 of NPPF).
- 2.1.11 The Council document entitled Addressing Housing Need in Ribble Valley - Housing Policy (appendix 12) was approved in January 2012 and replaces the Affordable Housing Memorandum of Understanding; it comprises part of the LDF Evidence Base. The document reflects the needs of the elderly as well as those with other housing needs. The requirements of the document as they relate to the appeal site are that 30% of the housing units should be affordable and 15% should comprise bungalows intended for the elderly. It conflicts with the housing policies saved from the local plan which stipulate no specific needs for the elderly and in respect of the appeal site would require 100% of the units to be affordable. This demonstrates again that the thinking which underpins the local plan has been undermined.
- 2.1.12 The draft Core Strategy, despite some public consultation on the regulation 19 edition having been undertaken, is still at a relatively early stage in the process of preparation, with further public consultation scheduled for September 2012 as a consequence of proposed changes. Neither are the Council currently in a position to submit an amended Core Strategy for formal examination, and no date has yet been set for an examination. Regarding the weight that can be attributed to the draft Core Strategy, the Planning Inspectors decision letter dated 26 March 2012 in respect of land off Henthorn Road, Clitheroe (appendix 13) is particularly pertinent.
- 2.1.13 The Inspector opined (paragraph 20), that *“As the Core Strategy is still at an early stage I consider that limited weight can be given to it”*. Clearly the reason for offering this opinion on the part of the Inspector would have been due to the fact that the Core Strategy would have to become the subject of an independent review and scrutiny in order to seek to resolve the conflicting objections. Although Regulation 19 consultation has taken place since the decision in March, further consultation is anticipated on proposed changes. Accordingly because there are still unresolved objections to the Core Strategy and it has not been independently tested in the forum of an Examination in Public, that Inspector’s assessment remains applicable. Similarly, there is still as yet no draft Site Allocations DPD. Equally it seems unlikely that the Council will be in such a position for possibly a further two years. In this regard there is an item placed on the next Planning and Development Committee Agenda scheduled for 13 September 2012 which provides an outline of the issues and process (appendix 36). Paragraph 3.7 of the report states that *“The production of a site allocations DPD has to follow a series of statutory stages and will inevitably take time to put in place. It is anticipated*

that it could take up to two years to undertake the full process subject to approach and resourcing and of course the extent to which the delivery of planning permissions through the planning application process reduces the need for new land to be identified.” Accordingly, the weight which can be attributed to the emerging Core Strategy remains limited, although necessarily the extent of weight will not be consistent across the spectrum of issues encompassed.

2.1.14 For instance, with regard to the appropriate level of housing provision, the Inspector’s decision letter cited above refers (paragraph 19) to the analysis undertaken on behalf of the Council by Nathaniel Lichfield and Partners (NLP) and their assessment that the number of dwellings required per annum lies within the range 190-220; the letter also records that the Council have resolved to use a figure of 200 dwellings per annum through the Core Strategy preparation process. However the Inspector goes on in paragraph 20 to acknowledge the fact that there is “... *credible and robust evidence to suggest the figure should be much higher and closer to the 330 to 350 dwellings per year advocated in the uncontested evidence of Mr Nichol*” (appendix 13B). On this issue therefore there is considerable divergence of opinion, and thus little weight should currently be attributed to this element of the Core Strategy.

2.1.15 On the other hand, RVDWLP policy EMP11 Loss of Employment Land (appendix 8E) is replicated in the draft Core Strategy Key Statement DMB1 (appendix 9E) essentially verbatim, and thus it is appropriate to accord this element of the emerging Core Strategy more weight. We return to the issue of loss of employment land in section 2.2 below.

2.1.16 The Council’s Head of Regeneration and Housing has presented a series of reports to the Planning and Development Committee on the subject of the Core Strategy in general and the housing requirement in particular. A report on 11 August 2011 (appendix 10C) noted that the figure of 161 units per year based on the RSS continued to be “... *the basis upon which the Council’s five-year housing land supply is calculated which is the underpinning factor for determining planning applications*”. However it also reported the NLP housing requirement review which concluded that the Borough’s housing requirement fell within the range of 190-220 dwellings per annum.

2.1.17 A report on 2 February 2012 (appendix 10E) recommended that for the purposes of the Core Strategy the housing requirement should be 4,400 dwellings during the plan period, although Members disagreed and resolved that the figure should be 4,000 units, equating to 200 dwellings per year through the plan period. The reasons for disagreeing have not, so far as I am aware ever been articulated.

2.1.18 The appeal decision referred to above states, (paragraph 19), that “*The Council resolved in February 2012 that the Core Strategy housing requirement should be set at the middle of the range advised by NLP namely 4,000 dwellings during the plan period (200 dwellings per annum)*”. It continues, (paragraph 20), that “... *the appropriate housing requirement figure*

to be used in determining this appeal[in March 2012] *should be not less than 200 dwellings per annum. This is the figure which the Council has adopted in its most recent report*". By extension, the same approach should logically have been used by the Council in the determination of planning applications from that date onwards, including the application that is the subject of this appeal.

2.1.19 However the report to Committee in respect of the current application (appendix 14) states that "*Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield and Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time*". On the basis of the appeal decision the Committee report is considered to be in error, and comprises a manifestly incomplete analysis.

2.1.20 Therefore, in terms of the weight that can be attributed to the draft Core Strategy, the housing requirement of 4,000 dwellings through the plan period at a rate of 200 dwellings per annum can be accorded some weight, not only because of the Inspectors remarks but also because they represent a direction of travel that is only likely to give rise to a further increase in the housing requirement. The NLP report demonstrates that a very good case can be made for a considerably increased need, based upon robust social, demographic and economic evidence. Furthermore, the 2 February 2012 report acknowledges that the figure of 200 units per year is to be viewed as a minimum figure.

2.1.21 Evidence to support an increase in the rate of housing provision is provided by the population projections obtained from Lancashire County Council, that are in turn derived from the 2011 census data. They indicate that for the period 2010 to 2035 the percentage increase in Ribble Valley will be 11.1% (appendix 15). Even though the anticipated growth in Ribble Valley is less than is forecast for some authorities, the increase is significant and will have to be accommodated in some form within the Borough in order to avoid adverse economic and social consequences of not providing for a proper level of housing growth. This need is robustly demonstrated in the statement of Mr S Nichol submitted in connection with the Henthorn Road appeal (appendix 13B).

2.1.22 However the available 2011 Census data (appendix 16) indicates that between 2001 and 2011 the percentage increase in the number of *households* in Ribble Valley was 8.1%. This compares with England and Wales 7.9%, North West 7% and Lancashire (14 Authorities) 5.4%. Indeed, only Chorley (9.4%) and Preston (8.7%) demonstrated a greater increase than Ribble Valley. Thus whilst the population growth in the Borough may be forecast to be in the middle of the range compared with other Authorities, it is likely that the number of households created will increase at a greater than average rate, therefore adding to the pressure for additional homes in the Borough.

- 2.1.23 It was in part in anticipation of the population forecast that the NLP report made the case for significantly increasing the rate of housing provision in the Borough.
- 2.1.24 The report to Committee in respect of the current application also states that *“As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability”*. Without a demonstration of deliverability the LPA cannot claim a 5.2 year supply of housing within the terms required by NPPF paragraph 47 which details a number of measures required *“To boost significantly the supply of housing ...”*.
- 2.1.25 They include a requirement to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ...”*; footnote 11 defines deliverable sites as being *“...available now, offer a suitable location for development now, and be achievable with a realistic prospect the housing will be delivered on the site within five years and in particular that development of the site is viable ...”*. We consider the issue of deliverability further below, but on the basis that the Council concede that deliverability cannot be demonstrated there is no five year supply of housing sites.
- 2.1.26 It follows (NPPF paragraph 49), that in the absence of a five year supply of deliverable housing sites the relevant policies in respect of housing supply cannot be considered up-to-date. On this basis the application should have been determined in the context of a presumption in favour of sustainable development. NPPF paragraph 14 describes the fact of there being, at the heart of the NPPF, a presumption in favour of sustainable development. It goes on to describe that for decision-taking, *“where the development plan is absent, silent or relevant policies are out-of-date”*, this means granting planning permission unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”*. This Statement demonstrates that no significant harm will arise.
- 2.1.27 The assertion of a 5.2 year supply of housing is based on the Housing Land Availability Schedule (HLAS) dated 1 April 2012 (appendix 17), which was reported to Planning and Development Committee on 24 May 2012 (appendix 10F). The figures set out in appendix 1 of the report assume housing provision through the plan period 2003-2021 of 2900 units, equating to 161 per year. Nine years into the 18 year plan period there have been 1178 net dwellings completed at an average rate of 131 per year, leaving a residual requirement of 1722 units to be provided at an average rate of 191 per year. When compared with the total identifiable supply of 999 units, this equates mathematically to a 5.2 year supply.
- 2.1.28 However, if one takes the figure of 200 units per year as the requirement from 2008-2028 and the RSS figure of 161 from 2003-2008 but assuming the same

number of net completions in the nine years to date and total identifiable supply of sites, the same calculation as adopted by the Council in the HLAS dated April 2012 results in a housing land supply equivalent to just 4.04 years (see table below). The choice of 200 units per year is based on the fact that this is the figure proposed for use in the Core Strategy which has a plan period 2008-2028. Also, as was noted above, the Inspector in respect of the appeal on land off Henthorn Road said (paragraph 20), that “... *the appropriate housing requirement figure to be used in determining this appeal should be not less than 200 dwellings per annum. This is the figure which the Council has adopted in its most recent report*”.

APPENDIX 1 – TAKEN FROM RVBC COMMITTEE REPORT (APPENDIX 10F)

Five year supply (2012-2017) based on previously adopted RSS figures and including permissions and completions up until 1 April 2012

Planned Provision

a) Housing provision 2003/2021	2900	161/yr
b) Net dwellings completed 2003-2012 (9yrs)	1178	131 (1178/9)
c) Net dwellings required 2012-2021 (9 years) (adjusted to a revised annual rate)	1722/9	191/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	955	191*5 (annual equivalent smoothed over plan period)

- a) Strategic housing provision based on previously adopted RSS figures.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.

Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey April 2011)

Sites under construction	124
Deliverable permissions	(972)
(discounted by 10% slippage allowance but including affordable units)	875
Total Supply	999

Equates to 5.2 yrs supply at 5 year adjusted rate at 01/04/12

Actual supply: 5.2 yrs supply (999/191)

INTERPRETATION OF THE TABLE ABOVE BUT BASED ON A SUPPLY RATE OF 200 DWELLINGS PER ANNUM FROM 2008 ONWARDS

Five year supply (2012-2017) based on provision of 200 units/annum from 2008 and the adopted RSS figures from 2003 to 2008

Planned Provision

a) Housing provision 2003/2021	805 + 2600 = 3405	161/yr for 5 yrs + 200/yr for 13yrs
b) Net dwellings completed 2003-2012 (9yrs)	1178	131 (1178/9)
c) Net dwellings required 2012-2021 (9 years) (adjusted to a revised annual rate)	2227/9	247.4/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	1237	247.4 (annual equivalent smoothed over plan period)

- a) Strategic housing provision based on previously adopted RSS figures to 2008 then NLP of 200 pa thereafter.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.

Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey April 2011)

Sites under construction	124
Deliverable permissions	(972)
(discounted by 10% slippage allowance but including affordable units)	875
Total Supply	999

Equates to 4.04 yrs supply at 5 year adjusted rate at 01/04/12

Actual supply: 4.04 yrs supply (999/247.4)

Clearly had the Council used this methodology following the issue of the Inspector's report of findings into the Henthorn Road appeal in March 2012 (appendix 13A) then the report to Committee when this appeal proposal was considered would have had to acknowledge that the Council still only had a 4 year supply at that moment in time

2.1.29 Unusually, the Council have produced another HLAS after just three months, in July 2012 (appendix 18), with a report to Planning Committee on 16 August 2012 (appendix 8H). It purports to demonstrate that the Council have in excess of the five year supply of land required, but in fact the calculations

include a number of errors and omissions. When examined in detail it is evident that the figures presented are unreliable and that the Council still do not have a five year supply of deliverable housing land.

- 2.1.30 The issues arising are considered below. It should be noted that throughout the appendices in the Report to Committee, three months is represented as 0.2 years and nine months as 0.8 years; this makes a small difference to the final figures but is not of sufficient consequence to pursue and is therefore a format retained in the calculations described below.
- 2.1.31 The first issue concerns a persistent undersupply of housing land and thus the requirement articulated in NPPF paragraph 47 for a 20% buffer to be added.
- 2.1.32 Paragraph 2 of the HLAS confirms that between 1 April 2003 and 30 June 2012 1200 units net were completed. This compares against a projected provision throughout that period of 1481 units based on the RSS requirement of 161 units per year, and gives rise to a shortfall of 281 units. Of the 1200 units completed, 402 were completed in the four years and three months to 30 June 2012. Conversely, 798 units were completed in the first five years of the plan period. Based on a provision rate of 161 units per year, 805 units should have been delivered in that five year period and thus there was a shortfall of 7 units.
- 2.1.33 However closer examination of the figures demonstrates that on a rolling five year cycle a significant shortfall was evident from the second five year period onwards. In the second five year period there were 586 completions, which compared with a five year requirement for 805 units generates a shortfall of 219 units; in the third there were 471 completions giving rise to a shortfall of 334 units; in the fourth 375 completions giving rise to a shortfall of 430 units; and in the fifth 439 completions giving rise to a shortfall of 366 units, all based on a five year requirement of 805.
- 2.1.34 Previous Reports to Committee (appendices 10A, B and D) confirm a consistently significant undersupply: the 4 November 2010 Report records a 2.9 year supply at 1 October 2010; the 16 June 2011 Report records a 2.9 year supply at 1 April 2011; and the 10 November 2011 Report records a 3.3 year supply at 1 October 2011.
- 2.1.35 Furthermore, the six year high of 147 completions achieved between 1 April 2011 and 30 March 2012 should not be seen as a sign of recovery; in the following three month period there were just 22 completions which extrapolated over 12 months will give rise to 88 completions. Even allowing for a small base period on which a forecast is made, it is unlikely that the annual requirement of 161 units will be satisfied. Indeed, the 22 completions were achieved in months when activity may be expected to peak compared with what is achievable in winter.
- 2.1.36 Given the fact that in none of the last six (whole) years and in none of the rolling five year periods has the requirement for 161 units per year been met, the obligation detailed in NPPF paragraph 47 is applicable, namely that a 20%

buffer should be added to the housing requirement. The Council acknowledge the need to remedy this situation in the August Committee Report in respect of the July figures, but not in the previous (May) Committee Report in respect of the April figures. This is an omission given the fact that the NPPF was published prior to the May meeting.

2.1.37 However, the second issue is how the 20% buffer is provided.

2.1.38 The Council calculate this figure by adding 20% to the adjusted net five year requirement, from which is derived the annual figure. However, paragraph 47 requires local planning authorities to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ... Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*.

2.1.39 The intention is not only to increase the housing land requirement but also to pull forward specific allocated housing sites to meet the stated aims of the NPPF. In the absence of a Site Allocations DPD the Council are unable to do this, and can only react to development proposals rather than guide development to preferred locations.

2.1.40 In comparison with housing need expressed in the Council's Strategic Housing Market Assessment therefore, the situation is deteriorating. If the latent housing need is to be satisfied it will require the significant release of land. Returning to the relative weight of policies, it is thus appropriate to give considerable weight to Core Strategy Key Statement H1 if only because it represents a modest relaxation and thus improvement in this regard in comparison with the limitations embodied by persisting in taking 161 dwellings per annum as the bench mark.

2.1.41 The third issue is the derivation of the housing land supply figures.

2.1.42 Both appendices to the August Committee Report rely on the same computation, which for the first time includes sites that are subject to a Section 106 Agreement (S106). Whether this is an appropriate inclusion in principle is questionable, and it precludes a direct comparison with previous reports. Such sites do not yet have a permission and should not be included absent of clear evidence as to their delivery (which has not as yet been provided).

2.1.43 Of more concern in respect of delivery within a 5 year period are some of the sites listed in the July HLAS as being sites with either full or outline planning permission:

- (i) Land off Dale View, Billington (map 3) - planning permission was granted for 49 dwellings; 26 have been completed on the western side of the site, but of the remaining 23 on the eastern side of the site none

are under construction. The reserved matters consent dates back approximately ten years, and the delay in completing the balance suggests a problem with the site. It is understood that this relates to unresolved issues concerning the proximity of the eastern part of the site to a steep railway embankment. Thus the deliverability of 23 units is questionable.

- (ii) Land off Henthorn Road, Clitheroe (map 6) - outline planning permission for up to 270 dwellings including 81 affordable units and a doctors surgery was granted on appeal on 26 March 2012 (appendix 13). In determining the appeal the Inspector concurred (paragraph 57) that a condition allowing five years for the submission of reserved matters “... *is reasonable and necessary given the given the nature and size of the proposal*”. Condition 1 also requires that the development is commenced not later than the latter of five years from the date of permission or the expiration of two years from the final approval of the last of the reserved matters; theoretically the commencement of the development could be considerably more than five years from the date of consent. Furthermore condition 9 requires that the reserved matters shall include a phasing scheme applicable across the whole development site, and we understand from the Proof of Evidence of Tim Dean (appendix 13C) and the result of cross examination on the point, that there is no intention that all of the 270 units will be provided within a five year period. Indeed, it seems likely that there will be no development within the first year and that 35-40 units might be completed per year thereafter based on typical industry achievements, resulting in a contribution of approximately 160 units in a five year period. The site will therefore make a valuable contribution but will not result in all 270 dwellings being delivered within the next 5 years leaving a shortfall of circa 110 units.

2.1.44 It is therefore the case that of the sites which are identified as contributing to the Council's housing supply for the next five years, then 23 at Dale View, Billington are highly unlikely to be delivered and a further 110 at Land off Henthorn Road, Clitheroe are at best likely to be fully built out in years 2 to 9 assuming a build rate of 35/40 units per annum.

2.1.45 The fourth issue concerns the method of calculation itself.

2.1.46 In appendix 1 of the 16 August Committee Report (appendix 10H) the figure of 982 sites with planning permission is derived by subtracting 92 units for which development has started (July HLAS summary table item 4) from the total of 1074 units. However, when it comes to adding in those units under construction, 140 are added. This figure equates to item 4 together with item 6, conversions to dwellings on which development has commenced, of which there are 48. Thus these 48 units are counted twice.

2.1.47 The fact of this being an error is demonstrated by comparison with the same calculation undertaken in respect of the April HLAS as reported to the May Committee (but without the units that are the subject of a pending S106).

Here, 124 units (items 4 and 6) are subtracted from the total of 888 units to calculate the number of deliverable permissions, and then added back in again after calculating the 10% slippage allowance.

2.1.48 If one works the calculation correctly in respect of the figures in the July HLAS, (including S106 164), the total supply is 1357 units. This reduces the number of years supply as calculated in appendix 1 of the August Committee report from 6.0 to 5.8 years (Table 1), and as calculated in appendix 2 from 5.0 to 4.97 years (Table 2).

TABLE 1

Five year supply (2012-2017) based on previously adopted RSS figures and including permissions, completions and commitments up until 1 July 2012

Planned Provision

a) Housing provision 2003/2021	2900	161/yr
b) Net dwellings completed 2003-2012 (9.2yrs)	1200	130 (1200/9.2)
c) Net dwellings required 2012-2021 (8.8 years) (adjusted to a revised annual rate)	1700/8.8	193/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	965	193 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1158	20% NPPF guideline (193 + 20% = 232)

- a) Strategic housing provision based on previously adopted RSS figures.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47 – NPPF.

Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey July 2012)

Sites subject to Section 106 agreements	164
Affordable units	249
Sites with Planning permission	934
Deliverable sites	(1347)
(discounted by 10% slippage allowance)	1212
Sites under construction	140
Total Supply	1352
Equates to 5.8 yrs supply at 5 year adjusted rate at 01/07/2	
Supply: 5.8 yrs supply (1352 /232)	

TABLE 2

Five year supply (2008-2028) based on proposed Core Strategy requirement including permissions, completions and commitments up until 1 July 2012

Planned Provision

a) Housing provision 2008/2028	4000	200/yr
b) Net dwellings completed 2008/2012 (4.2yrs)	402	96 (402/4.2)
c) Net dwellings required 2012-2021 (15.8 years) (adjusted to a revised annual rate)	3598/15.8	227/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	1135	227 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1362	20% NPPF guideline (227 + 20% = 272)

- a) Strategic housing provision based on previously proposed Core Strategy requirement.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47– NPPF.

Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey July 2012)

Sites subject to Section 106 agreements	164
Affordable units	249
Sites with Planning permission	934
Deliverable sites	(1347)
(discounted by 10% slippage allowance)	1212
Sites under construction	140
Total Supply	1352

Equates to **4.97 yrs supply** at 5 year adjusted rate at 01/07/2
 Supply: 4.97 yrs supply (1352 /272)

2.1.49 However, since it is appropriate to remove 133 units from the identified supply (23 Dale View and 110 Henthorn Road) doing so generates a total supply figure of 1232 units and 4.5 years supply based on Table 3

TABLE 3

**Five year supply (2008-2028) based on proposed Core Strategy
requirement including permissions, completions and commitments
up until 1 July 2012**

Planned Provision

a) Housing provision 2008/2028	4000	200/yr
b) Net dwellings completed 2008/2012 (4.2yrs)	402	96 (402/4.2)
c) Net dwellings required 2012-2021 (15.8 years) (adjusted to a revised annual rate)	3598/15.8	227/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	1135	227 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1362	20% NPPF guideline (227 + 20% = 272)

- a) Strategic housing provision based on previously proposed Core Strategy requirement.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47– NPPF.

Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey July 2012)

Sites subject to Section 106 agreements	164
Affordable units	249
Sites with Planning permission	934 – 133 = 801
Deliverable sites	(1214)
(discounted by 10% slippage allowance)	1092
Sites under construction	140
Total Supply	1232

Equates to **4.5 yrs supply** at 5 year adjusted rate at 01/07/2

Supply: 4.5 yrs supply (1232 /272)

2.1.50 The fifth issue is the fact that adding a 20% buffer as required by the provisions of the NPPF is expressed as an absolute regardless of the scale of under delivery. Clearly this can impact on any Council where there is an ongoing record of under delivery in terms of completions. However in the case of Ribble Valley the scale of their under delivery has been significant in terms of completions and this is evidenced by reference to figure 2 within the latest Housing Land Availability Schedule dated July 2012 which clearly demonstrates that from April 2006 to date then with the exception of last year, not on any occasion have the authority seen completions per annum reach a

three figure total. Specifically the completion rates from 2006 onwards reads as follows: 83; 59; 75; 89; 69 and 147. It would seem that last years 6 year high of 147 completions is unlikely to be replicated this year with only 22 completions in the first quarter from April to the end of June. As such there has been a substantial shortfall in delivery for which there is only the requirement to add a maximum 20% buffer as advocated by the NPPF. In the case of Ribble Valley with its gross under delivery of completions over the past 6 years one would have to suggest that a mere 20% additional buffer is unlikely in practical terms to turn around the situation in the short to mid term.

2.1.51 NPPF paragraph 47 is unequivocal in stating that it is the responsibility of the LPA to, amongst other things,

*“use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing ... including identifying key sites which are critical to the delivery of the housing strategy over the plan period”, to “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. **Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.**” and “identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15”.*

2.1.52 Deliverability is defined by footnote 11, which reads as follows *“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”* For the reasons detailed above there are at least two sites included within the Council's HLAS which do not satisfy the definition. The first Dale View would seem to demonstrate that it lacks viability due to technical constraints otherwise it is reasonable to assume it would have been built out many years ago. The second, Henthorn Road has been thoroughly tested on cross examination and is subject to a phased programme of release by condition and it is highly optimistic on our part to suggest that 160 of the 270 units would be delivered in the next 5 years due to the long term phasing plans. Clearly, a failure to demonstrate deliverability puts the LPA in breach of its responsibility. The conclusion that must be drawn is that the LPA does not have an up to date and adopted policy.

2.1.53 The phrase used in the report to Committee in respect of the current application, and others, is “... *the current figure would appear to demonstrate a 5.2 year supply against that requirement*”. As demonstrated, this is flawed.

2.1.54 If the Council did have the required housing land supply, including an affordable element, there would be no necessity to approve applications for residential development. It is not the case, as reports to Planning Committee in respect of planning applications for residential development have suggested, that “*There are no provisions within the NPPF to advocate resisting development ‘in principle’ once a five year supply of deliverable sites is achieved*” (for instance 3/2012/0014 see appendix 20).

2.1.55 The Report to Committee in respect of 3/2012/0014 assesses that the outline application for the erection of 30 dwellings on land outside the Clitheroe settlement boundary and therefore subject to policy G5 of the settlement strategy (open countryside), is acceptable on the basis that

“... the Policies of the DWLP were formulated during the 1990’s with the Plan being adopted in 1998 and the basis of the plan’s formulation was framed around the strategic framework set in the Lancashire Structure Plan. It was against the planned housing requirements in that document that settlement boundaries were drawn and definitions given to appropriate limits of development so as not to undermine the Urban Concentration Strategy for Lancashire. The circumstances that are now prevalent, with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as defined in NPPF Although this site is located on land designated as Open Countryside, it is immediately adjacent to the settlement boundary of Clitheroe (the key service centre in the borough). It is concluded that the use of the site for residential development would, as a principle, be consistent with the national policy framework, extant Regional Strategy and, at the scale proposed, the principle of the emerging Core Strategy, together with relevant considerations which the Council must currently take into account ”.

2.1.56 This report is indicative of the reactionary situation within which applications for residential development are being determined. Reports are consistently equivocal on the question of whether there is a five year supply of housing land within the terms required by the NPPF and dodge the issue by referencing other considerations. The NPPF does not preclude the refusal of development that is acceptable in principle even if a five year supply of housing land can be demonstrated. It is only in the absence of relevant policies or where the relevant policies are out of date that such an approach is applicable; at all other times applications for development should be determined with reference to the development plan, which is expected to include policies allowing development that is required to satisfy the established housing land requirement.

2.1.59 For the reasons detailed the saved local plan policies are very much out of date yet the emerging Core Strategy is still far from adoption with much

anticipated debate at the Examination in Public. Given these circumstances where relevant policies are out-of-date the NPPF is quite explicit and bullet point 1 of paragraph 47 states that *“use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”*. It has already been established that the production of a site allocations DPD could be as far as two years away (para. 2.1.13) so there is a fundamental failing in this regard. Furthermore as far as the second bullet point is concerned then detailed analysis of the current housing land availability for the borough has established that in reality the authority can only demonstrate a 4.5 year supply when full account is taken of the existing housing consents whilst at the same time discounting the undeliverable sites as highlighted in footnote 11 to the NPPF. As far as the third bullet point is concerned then at this stage there is only one strategic site which has been identified at Standen which is earmarked as a centre for growth for a later period in the plan. Furthermore paragraph 49 is clear that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* The accompanying Statement of Common Ground prepared by DTPC and agreed with the Highway Authority accepts that the site represents sustainable development and hence the presumption in favour and it has been equally demonstrated that the authority can only achieve a 4.5 year supply of deliverable housing sites. Paragraph 14 of the NPPF requires that planning permission is granted unless by doing so any adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies would militate against such approval. It is our view, to be set out in this statement that within the terms described by paragraph 14 there are no such impediments to approving the application.

2.2 LOSS OF EMPLOYMENT LAND

- 2.2.1 The reason for refusal describes the application site as *“an important employment generating site”*, the loss of which will have *“detrimental effects upon the local economy and possible social damage caused by the loss of potential job opportunity in the community”* citing saved local plan policy EMP11 (appendix 8E) and Key Statement DS1 (Development Strategy) of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 19 Consultation Draft (appendix 9A).
- 2.2.2 EMP11 details the criteria against which proposals for the conversion or redevelopment of industrial or employment generating sites will be assessed. The site is not an employment generating site because it is currently down to grass and otherwise unused. Unless the site is actually developed it is not a functioning industrial or employment generating site. Whether the proposal is thus appropriately assessed against the terms of the policy is in question, particularly as the justification to the policy specifically refers (paragraph

6.8.2), to “*the loss of employment*” and “*the loss of floor space*”. However this question notwithstanding, the five criteria specified will be considered in turn.

- 2.2.3 The first are the provisions of policy G1. This policy details a number of development control criteria that may be applicable in the determination of a wide range of planning applications and, given the stated reason for refusal, can be assumed are not conflicted by the proposal. The second is the compatibility of the proposal with other policies of the plan, and again the stated reason for refusal does not indicate conflict in this regard.
- 2.2.4 The third are the environmental benefits to be gained by the community. Given the premise on which the policy is based, this does not apply in the circumstances of the appeal site since the application does not propose the closure or relocation of an incompatible land use thus benefiting nearby residents for instance.
- 2.2.5 The fourth is potential economic and social damage caused by loss of jobs in the community. The policy does not refer to a loss of potential jobs, and therefore implies existing, and for the reasons noted above this is not the case. However we consider below whether any harm will arise from the loss of this potential employment site to residential use.
- 2.2.6 The fifth criteria is concerned with ensuring that reasonable attempts have been made to secure an alternative employment generating use for the site. The site *may* have some potential for employment generation, but as detailed in the Statement of Common Ground any such use is fettered by the terms of a covenant which limits employment to that which falls within Use Class B1 only (appendix 21).
- 2.2.7 The covenant benefits the owners of properties on Chestnut Crescent and Willow Drive. The appellant has written to them all seeking their views on the possible relaxation of the covenant to allow B8 & B2 in addition to B1 uses (appendix 22). We await responses but nonetheless irrespective of the views of individuals, because the covenant benefits so many properties there is little prospect of it ever being lifted as there would have to be a full consensus on the matter.
- 2.2.8 The Analysis of the Commercial Property Market in the Ribble Valley with particular reference to Site 2, including details of the Marketing Campaign by Taylor Weaver Ltd (appendix 5) confirms that on the basis of ‘offers invited’, there have been no serious enquiries in respect of the site.
- 2.2.9 The Report to Committee in respect of the application acknowledges the marketing exercise, but simply dismisses it: “*The Council does not accept, however, that the site cannot still be developed for this purpose*”. Either the requirements in terms of marketing the site are satisfied or they are not, and in this instance they have been. The Report detailed no evidence to support the assertion, which contradicts the outcome of the marketing exercise.

- 2.2.10 The justification to the policy concludes by stating, (paragraph 6.8.3), that *“The availability of suitable alternative sites for employment generating purposes and the likelihood of other employment uses coming forward will be material considerations in deciding development proposals”*. In this regard the Inspector’s attention is drawn to two planning applications.
- 2.2.11 The first (3/2012/0346 see appendix 23), is an outline application for mixed B1, B2 and B8 use on land a short distance to the north of the appeal site described as Sites 3 and 4. The application was validated on 30 April 2012 and the 13 week period for determination expired on 30 July; the next available Planning and Development Committee meeting is 11 October 2012, and the proposed update to this statement will record the Officer recommendation assuming that it is placed before that committee.
- 2.2.12 The second (3/2012/0739 see appendix 24) is an outline application for up to 13,000m² of mixed use (Use Class B1, B2 and B8) on Site 3 only. Again, the Inspector will be updated if the application has been determined prior to the hearing.
- 2.2.13 Neither Sites 3 or 4 were ever part of the Barrow Print Works site and are situated outside the settlement boundary of Barrow as defined on the local plan proposals map. However Site 3 comprises part of a larger site that was identified in the Council’s Employment Land and Retail Study (ELRS) (appendix 25) which describes it as the Barrow Brook Business Park Extension. Employment use on Site 3 should therefore be acceptable in principle. Site 3 thus represents a viable employment site to the appeal site within a short distance from the appeal site and comprises a clear alternative location to which any future development pressures might be directed
- 2.2.14 The appeal site extends to 4.3 hectares and Site 3 to 3.05 hectares. Whilst it is not directly comparable in terms of size, there is no reason to presume that Site 3 could not offer the same level of employment opportunities, bearing in mind that any employment opportunity provided by the appeal site is currently unrealised and the possible scale therefore purely speculative. At an appropriate density, B1 use on Site 3 could provide just as many jobs as a similar use on the appeal site.
- 2.2.15 Part of the argument for allowing the proposed residential development is that an alternative, ‘better’ site for employment has been identified (and approved), and which unlike the appeal site is highly likely to proceed to development. Site 3 satisfies this requirement. Development of Site 3 is not constrained by a covenant, which has proved to be an impediment to securing an employment use. Furthermore, the boundaries of Site 3 mostly abut undeveloped land, with the A59 defining the eastern boundary. This contrasts with the appeal site where more than half of the perimeter abuts residential development which is perceived by potential employment providers as a further constraint.
- 2.2.16 It is also the case that the Standen strategic site identified for development in the draft Core Strategy and, the remainder of the Barrow Enterprise Site offer

possibilities for economic development, in addition to the opportunity provided by Site 3. More is said about these sites below, but at this point we have demonstrated that the proposal complies with the requirements of saved policy EMP11.

2.2.17 We note that the reason for refusal does not cite RSS policy W4 Release of Allocated Employment Land (appendix 7C), although reference is made to the policy in the Report to Committee. It is our assertion that the same considerations in respect of the compatibility of the proposal with policy EMP11 apply.

2.2.18 Draft Core Strategy Key Statement DS1 is cited on the decision notice. The statement describes the fact that *“Strategic employment opportunities will be promoted through the development of the Barrow Enterprise Site as a main location for employment, and the Salmesbury Enterprise Zone”*. Paragraph 4.11 confirms that *“... it will continue to be possible to accommodate the minimum required level of land for economic development (9ha over the remainder of the plan period). It is considered that provision can be included within land at Standen to the south of Clitheroe to generate a mixed development opportunity as well as the opportunity to bring other sites forward to protect choice of locations. The existing site at Barrow Enterprise Park would continue in its role as the borough’s principle strategic location for employment. The Governments recent announcement regarding the designation of an Enterprise Zone at Salmesbury, which includes land within both Ribble Valley and South Ribble, will offer the potential to support and strengthen the economy”*.

2.2.19 We understand that the strategic site at Standen is anticipated to provide 5.6 ha of employment land, and that that part of the Enterprise Zone falling within the Borough extends to 7.0ha. Those areas of the Barrow Enterprise Park which are currently undeveloped, excluding the appeal site, comprise 1.03ha at Site 1 and 1.01ha at the Hindle and Schofield site, making 2.04ha in total (appendix 26). In addition, a further 3.05ha can reasonably be expected to be contributed by Site 3, and a possible 2.91ha at site 4.

2.2.20 There is some uncertainty regarding the extent of the employment land envisaged by the Council at the Standen strategic site. It is also unclear how much of the Enterprise Zone can be said to meet the employment land requirement of 9ha. All these matters are considered in more detail within the analysis provided as an integral part to the report by Regeneris Consulting.

2.2.21 However, of the total of 9ha of employment land required, 2.04ha can be provided from the balance left undeveloped at the Barrow Enterprise Park excluding the appeal site. A further 3.05ha can reasonably be expected to be provided by Site 3, leaving a requirement for 3.91ha. This is considerably less than the 5.6ha anticipated to be provided by the Standen strategic site. Alternatively, if the requirement is split equally between the Standen strategic site and the Enterprise Zone it equates to a requirement for just 1.96ha at each. If Site 3 is left out of the equation, the balance of 6.96ha (9.0-2.04ha)

would be readily provided by 5ha at the strategic site and 1.96ha at Enterprise Zone.

- 2.2.22 In whatever permutation the requirement for employment land is satisfied, the loss of the appeal site to residential use will have no detrimental impact on the Council's ability to provide 9ha of employment land.
- 2.2.23 Surprisingly, in neither Key Statement EC1 Business and Employment Development or the preamble to it is there specific reference to the Barrow Enterprise site, although it is acknowledged (paragraph 7.4) that *"... suitable locations that are well related to the A59 corridor will also have the potential to deliver economic growth through the delivery of appropriate sites. The potential for appropriate land to be brought forward as part of strategic land releases will also be considered particularly where this will contribute to greater sustainability"*. EC1 may reasonably be described as woolly; read in conjunction but in the absence of a plan the two key statements fail to establish the Council's intention with regard to employment land provision. Nevertheless, as demonstrated above the proposal does not compromise the commitment expressed in DS1 to provide 9ha of employment land.
- 2.2.24 The Report to Committee in respect of the application records that the original grant of outline planning permission in 1990 informed the delineation of the settlement boundary. However it is misleading to suggest that the whole of the 19 hectare site was to be redeveloped for employment purposes as the description of the development, which references housing, confirms. Furthermore, notes appended to the decision notice (appendix 24A) advise, amongst other things, that a landscape buffer of approximately 15m depth will be required around all the industrial elements of the scheme, and that in addition to the retention of the reservoir a further 2 acres of open space will be required for recreation.
- 2.2.25 Thus the land available specifically for employment use is significantly less than 19ha. This accounts for the fact that 14ha of land were identified at Barrow (Brook) as having the benefit of planning consent for employment use in paragraph 6.1.7 of the introduction to the industry and employment section of the RVDWLP (appendix 8D).
- 2.2.26 The Report to Committee in respect of the application articulates resistance to the proposal on the grounds of the site forming part of a long established employment commitment which is to be carried forward through the Consultation Draft Core Strategy. However, whatever the reasons, it is a fact that the appeal site remains undeveloped over thirty years on from the original outline consent for redevelopment. Consequently the role that the site will realistically play in the local economy in future must be in question. The ownership of the land has changed in that time, but that fact has not precipitated any employment use on the land.
- 2.2.27 The Report to Committee also states that *"The emerging plan is at an important stage in its preparation and it is considered that approval of this application for a different use would significantly serve to pre-determine the*

outcome of the plan-making process and impact upon the Council's ability to select the most appropriate sites for differing land uses". The lack of development enquiries should demonstrate that this is not an appropriate site to include within the employment land allocation simply on the basis of an historic designation being carried forward. NPPF paragraph 22 is specific on this point:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

The Council's stance with regard to the use of the appeal site is directly at odds with this advice.

- 2.2.28 The Inspectors attention is drawn to the justification detailed in the report to Committee in respect of an application for a residential development of 37 dwellings on land at Barrow Brook Business Village (appendix 29C). The last paragraph of page 109 states that

"The site is not an allocated employment site, nor one in current use and therefore the policies of the Districtwide Local Plan seem to have limited relevance on the direct employment status over this site. National Policy seems mainly to point to the need for LPA's to keep an up-to-date evidence base and not to retain functionally defunct employment land. ... [The Employment Land Study Assessment states that] The majority, specifically 2.74 hectares of the wider original New Close site is implicitly considered to be unavailable for employment use within the study. In addition the recent permission of housing on 1.8 hectares of the western part of the site (Phase 1 of the Barrow Brook housing development) seems to recognise that housing is an acceptable use of the site together with employment. Given this, it is difficult to make a case that the remaining 1.5 hectares of the New Close site that the applicant is specifically proposing for housing here, is so important for the local economy that it should be retained for employment use over housing. Taken together, it would seem that the whole New Close site and therefore this particular site, should not necessarily be considered as a part of any forward employment land supply".

- 2.2.29 In fact, paragraph 6.17 of the Employment Land and Retail Study (appendix 25) assesses that this, and two other sites, are effectively unavailable for employment use on the basis that *"The landowners ... are seeking higher values for their land and have aspirations for housing"*. When the reason for refusal of the current application is considered, a striking inconsistency is evident.

- 2.2.30 It is worth considering also that in order to facilitate the re-development of the Barrow Print Works site an element of housing had to be included within it;

this enabling development, depicted on an indicative plan (appendix 27B), secured the provision of highway improvements including the dualling of part of the A59 and the installation of a roundabout junction to serve the site.

- 2.2.31 For a number of reasons including the covenant and the extent to which the site is now surrounded by land in residential use, the land comprising the appeal site (but not the rest of the Barrow Print Works site), does not represent a viable option for employment use.
- 2.2.32 Development opportunities identified above will enable the Council to more than satisfy its requirements for employment land. The fact that historically the site comprised part of the Council's employment land provision is not now the primary consideration; the emerging Core Strategy should be assessing where the most advantageous sites are situated to achieve the specified goals in terms of employment land going forward, which for the reasons detailed will not include the appeal site.

2.3 SUSTAINABILITY

- 2.3.1 NPPF paragraph 7 details three dimensions of sustainable development, namely economic, social and environmental, and paragraph 8 states that they should not be undertaken in isolation. Thus sustainability is not defined solely by accessibility, but also requires consideration of other factors including meeting housing need (both market and social housing), ensuring community cohesion, economic development and recreation.
- 2.3.2 The issue of accessibility is dealt with by the Sustainability Statement prepared by DTPC. However we would also draw the Inspectors attention to the Ribble Valley Settlement Hierarchy December 2008 Appendix 3 (appendix 30) which shows that Barrow shares best overall score (with Hurst Green and Langho) in terms of accessibility to the key service centres by bus on a weekday. Overall scores 19/42 and is ranked 19/34.
- 2.3.3 For reasons detailed in section 2.1 above the proposal will assist in addressing the significant shortfall in market housing. Similarly, for reasons to be expanded upon here, the proposal will contribute to alleviating the significant shortfall in social housing that exists within the Borough.
- 2.3.4 The NPPF requires local planning authorities to assess affordable housing need and to prepare plans accordingly. Similarly the soon to be abandoned RSS policy L5 Affordable Housing (appendix 7B) requires plans and strategies to set out requirements in this regard. Saved local plan policies H20 and H21 (appendices 8B and 8C) were the relevant policies. However the Council's Strategic Housing Market Assessment (SHMA), which was published in December 2008, demonstrated a significant need for affordable housing. This gave rise to the adoption of the Affordable Housing Memorandum of Understanding, subsequently replaced by Addressing Housing Need in Ribble Valley (AHNRV) which was adopted in January 2012. Policies H20 and H21 can be regarded as out of date.

- 2.3.5 The proposal fully complies with the requirements of AHNRV, and there is no suggestion in the reason for refusal that it does not. However, there is no evidence in the Report to Committee in respect of the planning application that due weight was accorded to the fact that the development will assist in addressing the significant deficit that exists in the Borough in terms of affordable housing provision. A letter of intent has been received from St Vincent's Housing Association (appendix 31).
- 2.3.6 The development will facilitate the provision of both market and social housing in close proximity to existing and proposed employment opportunities. That is considered to be a positive response to the requirement set out in the NPPF.
- 2.3.7 Similarly, an increased population will support existing local facilities and provide the catalyst for the provision of additional facilities, thereby ensuring community cohesion. The Report to Committee in respect of the application identifies facilities available within walking distance, but omits to mention the primary school which is an appropriate focus within the village not only from an educational standpoint but also its potential for other community uses in the evenings and at weekends.
- 2.3.8 The Report alleges that in this instance, the fact of the application site being situated within a settlement boundary does not lend weight to the proposed residential use. It is usual to direct development to sites within settlement boundaries on the basis that this will protect rural land from development. There are numerous instances in the Borough where rural land has in recent months been granted planning permission for residential development. This is a necessity which arises from the fact of the settlement boundaries having been drawn tightly so as to enable development necessary to satisfy the requirements of the RVDWLP but no more, and not having been reviewed since. However where, as here, the case for residential use of land is demonstrated, it would appear perverse to deny the weight that should be accorded by virtue of the site being situated within the settlement boundary.
- 2.3.9 Sustainability issues and the fact of the application sites being located within the settlement boundary (and the Barrow Print Works boundary and thus the remit of the original outline planning permission), were not considered sufficient impediments to preclude the grant of residential planning permission on the adjacent Rowland Homes sites for a total of 101 units in two phases.
- 2.3.10 Similarly, when planning permission for residential use was granted under reference 3/2011/0776 in respect of land off Whiteacre Lane in Barrow (and situated outside the settlement boundary), the report to Planning Committee described the site as being *"... an acceptable distance from the local service centre, local amenities and services, and on this basis is considered to be a suitable site in relation to the above criteria"* (appendix 29A and B).
- 2.3.11 Finally application 3/2012/0630 which seeks planning consent for up to 504 residential units on land beyond the Barrow settlement boundary (appendix 33) cites the fact of the site having been identified in the SHLAA in support of the proposal. The outcome of the application cannot be pre-judged, but

having been promoted through the SHLAA the assumption must be that it occupies a sustainable location at least in terms of accessibility. Again, this raises issues of inconsistency in the way the proposal was assessed.

2.4 DETERMINATION OF THE APPLICATION ON ITS MERITS

- 2.4.1 The potential for the site to provide employment stems from the more recent reserved matters consent for office use (3/2002/0878) which was approved in 2003 in respect of part of the original larger site, but including the whole of the application site. The Council's Director of Legal Services confirmed in writing in June 2005 that by virtue of work that had been undertaken these two consents would remain valid in perpetuity (appendix 34). However, whilst the potential for employment use (in this sense only), remains, that is not to say that an alternative proposal is therefore inappropriate; any application for alternative development must be determined on its merits.
- 2.4.2 Despite the stated reason for refusal and the reasoning provided in the Report to Committee, there is evidence that the Council have not determined the application strictly on its planning merits. This is evidenced by the reason for refusal commencing with the words: *"The proposed residential development does not represent the most appropriate and 'sustainable' use of the site ..."*.
- 2.4.3 It is not the role of the LPA to achieve what is thought to be the most appropriate and sustainable use of a site through the determination of a planning application; the key question is whether the proposal before the LPA complies with government advice and the relevant policies of the development plan, which include considerations of land use and sustainability. When a proposal does comply there is a statutory requirement to grant planning permission. This is borne out by the appeal in respect of land off Henthorn Road, Clitheroe (appendix 13A). The Inspector noted (paragraph 28), that *"Moreover, the appeal scheme needs to be judged on its merits. That is to say, it may be that one could point to aspects of a scheme which might be improved upon. However, if the proposal is acceptable in land use terms then it should not be refused on the grounds that a better form of development might be identified"*.

3 CONCLUSION

- 3.1 Planning consent is sought for the provision of 73 open market dwellings and 31 social housing properties on a site situated within the defined settlement boundary of Barrow which benefits from outline consent for employment use in perpetuity.
- 3.2 Government advice provided in NPPF paragraph 196 reminds that the planning system is plan-led, that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The NPPF is based upon the premise

that sustainable development should be granted planning permission, and advocates this approach in the determination of planning applications.

- 3.3 We have noted that of the two components of the development plan, the RSS is due to be formally abandoned imminently and the settlement strategy and housing policies saved from the RVDWLP are wholly out of date, overtaken by circumstances. Furthermore the Core Strategy is at Regulation 19 stage and therefore whilst it has accumulated some weight, the outstanding issues notably in respect of housing provision are so contentious that it is not yet appropriate to attach significant weight.
- 3.4 There are major questions in respect of whether the Council are able to demonstrate, as a minimum, a five year supply of housing land, and whether the calculation should take account of the compounded deficit; the appropriate level of annual provision is also questioned. We have demonstrated unequivocally that the Council do not have the necessary housing land supply as required by the NPPF, in which circumstance the relevant development plan policies must be considered out of date.
- 3.5 The proposal must be considered on its merits, against the presumption detailed in the NPPF for the approval of sustainable development. We have demonstrated that the proposal will not give rise to the harm alleged in respect of loss of employment land, and that it does comprise sustainable development.
- 3.6 Accordingly we respectfully request that the Inspector allows this appeal.

4 APPENDICES

- 1 Statement of Common Ground
- 2 Email response from Council dated 8 August 2012
- 3 Transport Statement prepared by Development Transport Planning Consultancy
- 4 Transport Statement Appendices prepared by Development Transport Planning Consultancy
- 5 Analysis of the Commercial Property Market in The Ribble Valley With Particular Reference to Site 2, including details of the Marketing Campaign by Taylor Weaver Ltd.
- 6 Analysis of Employment Land Needs in the Ribble Valley by Regeneris Consulting
- 7 North West of England Regional Spatial Strategy to 2021
 - A Policy L4
 - B Policy L5
 - C Policy W4

- 8 Ribble Valley Districtwide Local Plan
 - A Policy G4
 - B Policy H20
 - C Policy H21
 - D paragraph 6.1.7
 - E Policy EMP11
 - F Local plan proposals map extract
- 9 Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation
19 Consultation Draft
 - A Key Statement DS1
 - B Key Statement H1
 - C Key Statement EC1
 - D Standen Strategic Site
 - E Key Statement DMB1
- 10 Planning and Development Committee Reports
 - A 4 November 2010
 - B 16 June 2011
 - C 11 August 2011
 - D 10 November 2011
 - E 2 February 2012
 - F 24 May 2012
 - G 19 July 2012
 - H 16 August 2012
- 11 Full Committee Report 28 August 2012
- 12 Addressing Housing Need in Ribble Valley - Housing Policy
- 13 APP/T2350/A/11/2161186
 - A Decision letter
 - B Statement of Mr S Nichol
 - C Proof of Evidence of Tim Dean
- 14 3/2012/0158 Report to Planning Committee
- 15 Population projections from Lancashire County Council
- 16 2011 Census data
- 17 Housing Land Availability Schedule dated 1 April 2012
- 18 Housing Land Availability Schedule dated 1 July 2012
- 19 Not included
- 20 3/2012/0014 Report to Planning Committee
- 21 Covenant in respect of part of appeal site

- 22 Letter to covenantees
- 23 3/2012/0346 site location plan
- 24 3/2012/0739 site location plan
- 25 Employment Land and Retail Study (extract)
- 26 Plan showing Site 1 and the Hindle and Schofield site
- 27 3/89/0405
 - A Decision notice
 - B Indicative site plan
- 28 Not included
- 29 Rowland Homes Phases I (3/2010/0568) and II (3/2011/0307)
 - A Site location plan
 - B 3/2010/0568
 - C 3/2011/0307 Report to Committee (extract)
- 30 Ribble Valley Settlement Hierarchy appendix 3
- 31 Letter from St Vincent's Housing Association
- 32 3/2011/0776
 - A Site location plan
 - B Report to Planning Committee
- 33 3/2012/0630 site location plan
- 34 Letter from the Council's Director of Legal Services
- 35 Site Allocations Committee Report 13 September 2012