

**APPEAL BY NEWCLOSE PROPERTIES LIMITED AND  
LEA HOUGH CHARTERED SURVEYORS**

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**STATEMENT OF CASE SUBMITTED ON BEHALF OF  
THE APPELLANT**

**SITE AT :**

**LAND OFF SHEEPFOLD CRESCENT, BARROW. BB7  
9XR**

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**For : Newclose Properties Limited and Lea Hough Chartered Surveyors**

**OUR REF : MIDD-01**

**As at .....May 2018.**

**Local Authority Ref : 3/2017/0962.**

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## 1. INTRODUCTION

1.1. The appeal is made by Newclose Properties Limited and Lea Hough Chartered Surveyors against the refusal by Ribble Valley Borough Council to grant outline planning permission for : *Application for outline consent for 20 bungalows for the elderly (6 detached 2 bed and 14 semi detached one-bed) and 9 affordable two bedroom apartments with associated roads, ancillary works, landscaping and access.* The appeal application was lodged with the Council on 12<sup>th</sup> October 2017 and was refused by Notice dated 30<sup>th</sup> November 2017 (the Notice of Decision).

1.2 The Notice of Decision contains two stated reason by the Council in opposing the appeal application. These are stated as follows:

‘1. The proposal is considered contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that the approval would lead to the creation of a new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification which would cause harm to the development strategy for the borough.

2. The proposal is considered to be contrary to Key Statement DS1 and DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that the proposal would contribute to a level of development that already significantly exceeds the anticipated level of housing development embodied within the Ribble Valley Core Strategy in terms of the planned residual need for the settlement of Barrow. It is further considered that the level of over-supply of housing, as a result of the proposed development would undermine the Development Strategy for the Borough which seeks to critically establish both the pattern and intended scale of development in relation to housing numbers in order to achieve a sustainable pattern of development across the Borough for the duration of the plan period.’

- 1.3. From these reasons, it is clear that the issue the Council disputes with the proposals is whether they are consistent with development plan policies for the location and supply of housing.

## **2. THE SITE AND ITS LOCATION.**

- 2.1 The appeal site is an undeveloped piece of land situated on the eastern edge of the settlement of Barrow. It adjoins onto and has available access from the relatively recent new housing development to the east, Sheepfold Crescent. To the west the land abuts the A59, separated from it by a heavily treed embankment. To the north, there is a large balancing pond and a service area containing service, employment and retail uses adjacent to a large roundabout junction of the A59. To the south there is residential development along Whitacre Lane. The appeal site is thus closely related to and 'rounds off' the Barrow settlement and is therefore closely related to the existing built up area of Barrow

## **3 THE APPEAL PROPOSALS**

- 3.1 The appeal proposals are submitted in outline with all matters of detail reserved for future approval other than access, which is applied for at this stage. Therefore matters relating to appearance, layout, scale and landscaping are reserved for subsequent approval. A site layout plan is submitted with the application that shows the intended access to the site and an indication of the layout of the site for 20 elderly bungalows and 9 affordable apartments for indicative purposes.
- 3.2 The appeal application included heads of terms for a 106 agreement. This appeal will include a Unilateral Undertaking for the provision of the affordable apartments. The provision of the elderly bungalows can be dealt with by conditions and the appellant's recommendations for these are set out later in this statement.

## **4 PLANNING POLICY POSITION**

- 4.1 The development plan for the area comprises the Ribble Valley Borough Council Core Strategy

2008-2028 – A Local Plan for Ribble Valley which was adopted in December 2014. ( the ‘CS).

- 4.2** Emerging policy is contained within the Ribble Valley Housing and Economic Development-Development Plan Document (the HED DPD). This was submitted to the Secretary of State in July 2017 and is currently at Examination in Public stage. There are several unresolved objections to the HED DPD and as such, it cannot be influential in any decision or at the most, it can be afforded very little weight.
- 4.3.** Key Statement DS1 of the CS sets out the development strategy. This seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based on existing population size, the availability, or opportunity, of providing facilities to serve the development and the extent to which development can be accommodated in the local area. In this context, the majority of new housing development will be concentrated within a strategic site to the south of Clitheroe and the 3 principal settlements of Clitheroe, Longridge and Whalley. In addition, development will be focused towards the Tier 1 villages, which are the more sustainable of the 32 defined settlements. Barrow is identified as one of the 9 Tier 1 settlements.
- 4.4.** The housing requirement is found at Key Statement H1 of the CS. This indicates that land for residential development will be made available for 5,600 dwellings at an average annual completion target of at least 280 dwellings per year for the duration of the plan period. The distribution of housing to each settlement is given at supporting paragraph 4.11 of Key Statement DS1. The number of houses to be delivered in the 9 Tier 1 settlements is 1,600, 4,000 being in the main settlements, with a residual amount of 145 dwellings to meet the requirement. Supporting paragraph 4.12 of the CS shows Barrow as providing 710 dwellings, with a residual requirement of 0.

Supporting paragraph 4.13 of the CS explains that whilst Barrow is one of the more sustainable defined settlements the housing distribution takes account of the large commitment to housing that exists as a result of planning permissions at Barrow and consequently, further housing development is not being promoted at this settlement.

- 4.5. The CS does not define an up to date settlement boundary for Barrow and Key Statement DS1 says that any specific allocation will be made through the preparation of a separate allocations DPD. The CS accordingly refers to settlement boundaries as those defined on the proposals map of the preceding Ribble Valley District Wide Local Plan (the 'LP'). The appeal site is located outside of but adjoining the settlement boundary of the LP. The emerging HED DPD shows a settlement boundary at this point that mirrors that of the LP with the consequence that the appeal site adjoins onto that boundary also. As a consequence, the appeal site lies outside of the existing settlement boundary of Barrow and therefore lies within the open countryside.
- 4.6. Policy DS2 of the CS refers to the presumption in favour of sustainable development and refers to the policies of the National Planning Policy Framework.
- 4.7. Policy DMG2 of the CS says, amongst other things, that development within the principle settlements and Tier 1 villages should consolidate, round off or expand development that is closely related to the main built up areas.
- 4.8. Policy DMH3 of the CS seeks to restrict dwellings in the open countryside to a tied list of exceptions and criteria. Such restriction does not include the appeal proposals.

### **Government Guidance**

- 4.7. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development, which it indicates has three dimensions – economic, social and environmental. Paragraph 14 sets out how this presumption is to be applied and indicates that development proposals which accord with the development plan should be approved without

delay, while going on to say that where it is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

**4.9.** In broad terms the Framework also indicates that plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. Design is part of sustainable development and this includes taking into consideration the effect of development on open spaces. Development should contribute to protecting and enhancing the natural and built environment, contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and help to minimise pollution and mitigate/adapt to climate change including moving to a low carbon economy. The Framework adds that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need

**4.10** In respect to housing delivery, the Framework requires the Council to meet 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 the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Applications for housing 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 five-year supply of sites additionally requires a 5% buffer 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%. The appellant's position is that for Ribble Valley, there is not a Framework compliant supply of housing.

## **5. THE CASE FOR THE APPELLANT**

**5.1.** The appeal proposals would result in built development on greenfield land. Both key Statement DS1 and policy DMG2 of the CS permit development proposals in Tier 1 villages which accord with the development strategy and consolidate, round off or expand development so that it is closely related to the main built area. Whilst this site adjoins the Tier 1 village of Barrow it still lies outside of it and therefore it does not meet the precise wording of DS1 and DMG2 which require development proposals to be within the villages and therefore there is a loss of open countryside. The appeal proposals are not one of the limited developments allowable under policy DMH3 and therefore there is conflict with these policies and the development strategy of the CS and the associated objectives for the location of housing and the protection of the countryside. However, one must read the policies of the development plan as a whole. Key Statement DS2 incorporates the presumption in favour of sustainable development, as found in paragraph 14 of the NPPF, into the statutory development plan. Accordingly, the tilted balance enshrined within this presumption is given the enhanced status of being in the plan. It is clear that the tilted balance does apply in this matter and that, within this balance, the harm plainly does not significantly and demonstrably outweigh the considerable benefits of the development proposal. Accordingly, the proposed development is in accordance with the development plan when read as a whole. The considerable benefits include (but are not limited to): the housing land supply position in Ribble Valley; the need for elderly bungalows and the need for affordable housing. These matters are considered below:

### **The Housing Supply Position in Ribble Valley**

**5.2** Paragraph 47 of the framework requires local authorities to identify and update a supply of

specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The reason the appellant claims Ribble Valley cannot demonstrate an adequate supply is for two reasons : there has been a persistent record of under delivery of housing and the contribution to the supply to be made from a list of sites.

The record of persistent under delivery of housing.

The Council's Housing Land Availability Schedule – October 2017 (the SHLA) is the latest supply position, although we understand this may be subject to an April 2018 update but this is not yet available. This shows a 5.9 year supply with the application of a 5% buffer, although we understand that this figure is reduced in the April 2018 supply calculation to 5.4 years, which results from a reduction from the expected yield from large sites of 240 dwellings. The shortfall of delivery is shown as 649 dwellings. Over the period of the CS, from 2008 to September 2017, only 3 years are shown in the SHLA as having delivered more than the 280 per annum requirement of the CS. The 280 figure is of course an unadjusted annualised requirement that does not take account any backlog. Adjusting for this figure gives a much higher annualised requirement of 410 (280 + 649/5) on April 2018 figures. This number of dwellings has not been delivered in any year and therefore it is clear that the Council has failed to meet its annual targets since the beginning of the plan period.

The table below shows the new build completions as taken from the Council's HLAS October 2017.

COMPLETIONS	NEW BUILD	CONVERSIONS CHANGE OF USE	TOTAL COMPLETIONS
1 April 2008 - 31 March 2009	58	17	75
1 April 2009 - 31 March 2010	57	32	89
1 April 2010 - 31 March 2011	36	33	69
1 April 2011 - 31 March 2012	116	31	147
1 April 2012 - 31 March 2013	121	51	172
1 April 2013 - 31 March 2014	155	28	183
1 April 2014 - 31 March 2015	316	29	345
1 April 2015 - 31 March 2016	268	32	300
1 April 2016 - 31 March 2017	376	14	390
1 April 2017 - 30 September 2017	229	16	241

Under these circumstances where a record of persistent under delivery is present, a buffer of 20% should be applied. When this is applied to the October supply calculation, this gives an adjusted annualised requirement of 509. With an available supply of 2535 dwellings as shown in the October schedule, this gives a supply of 4.98 years (2535/509). With the adjustment of the April 2018 calculation, which removes 240 dwellings from the supply, a 4.5 year supply is given (2295/509).

The Council has had two recent appeals where Inspectors found the Council to have had a persistent under delivery of housing supply. The first was at Lower Standen Hey Farm, Clitheroe, appeal ref : APP/T2350/W/17/3174924, dated 25 October 2017. The second was at Higher Road, Longridge, dated 22 May 2018., appeal ref : APP/T2350/W/17/3186969. Including the 122 dwellings allowed at Higher Road, the five year supply becomes 4.74 years (2417/509).

Whilst there is Government consultation issued March 2018 that suggests an approach to a housing delivery test that where a supply over the last three years exceeds the supply set in the development plan 5% be applied, this can carry no weight because it is premature. The above referred to appeal decision Inspectors reached the same conclusion and so there is no justification for Ribble Valley to apply a 5% buffer and not a 20% buffer in its supply calculations.

In addition to the above, the appellant also disputes the housing delivery that can add to the supply within five years. These are discussed below:

#### The deliverability of the housing supply

The estimated delivery of certain of the large housing sites in the Council's supply were commented on in the Higher Road Longridge appeal referred to above. The reduction to the sites so identified by that Inspector can be summarised as follows :

1. Higher Standen Farm – the estimated delivery of 200 dwellings over the five year period reduced by the Inspector to 180 – loss of 20 dwellings
2. Land south west and west of Whalley Road, Barrow – the Council’s estimated supply of 180 dwellings over the five year period reduced by the Inspector to 150 – loss of 30 dwellings
3. Land off Waddington Road Clitheroe – estimated supply of 110 dwellings reduced to 75 dwellings – a loss of 35 dwellings
4. East of Clitheroe Road, Whalley – Lawsonsteads – 105 dwellings estimated reduced to 75 – a loss of 30 dwellings
5. Land east of Chipping Lane, Longridge – the supply estimation of 150 dwellings over the five year period reduced to 135 – a loss of 15 dwellings
6. Land north of Dilworth Lane, Longridge – a supply of 171 dwellings over the five years reduced to 150 – a loss of 21 dwellings.
7. Preston Road, Longridge – a supply figure of 120 dwellings reduced to 105 – a loss of 15 dwellings

These sites put together meant that the Inspector at the Higher Road Longridge appeal found that the Council’s five year supply of dwellings should have been reduced by 136. On this basis, the supply in the Council’s October 2017 schedule is reduced from 2535 to 2399. This gives a five year supply of 4.7 years. For the April 2018 calculation, the supply is reduced from an available 2295 dwellings to 2129. This gives a five year supply of 4.18 years (2129/509), assuming the application of a 20% buffer, the delivery shortfall, 10% slippage to sites not started and a windfall allowance.

Therefore the restrictions imposed by the Council’s housing policies are not consistent with national policy objectives in the framework to boost significantly the supply of houses where there is no demonstrable five year supply of housing and the policies of the development plan are not up to date. There are no other identified restraints that would result in adverse impacts

of the proposals such as highway constraints, landscape, living condition so existing or future residents, ecology, trees, infrastructure, flooding, footpaths or any of the restriction as stated in footnote 9 of paragraph 14 of the framework.

The two appeal decisions referred to above are reproduced at appendix 1.

Notwithstanding this, the appeal proposals bring with them other material benefits that are sufficient in their own right to warrant a permission otherwise than in accordance with the development plan. These relate to an identified need for elderly bungalows and affordable housing.

### **The need for elderly person bungalows**

- 5.3. The appeal proposals are specific in that they are to provide 20 elderly person bungalows. This meets a need for such dwellings that the Council has identified that is required in the Borough to fulfil the housing needs of the population. The requirement for this is set out at paragraph 50 of the framework, which requires local planning authorities to : *'plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).'* Older people therefore are one such group that should be provided for in the housing mix.
- 5.4. The general need for older peoples' dwellings, and bungalows in particular, is reflected in the housing waiting list. A report to the Health and Housing Committee in September 2015, which updates the Council's 'Addressing Housing Needs' policy, indicates that 445 households were registered for bungalow accommodation. The report also highlights the difficulty of securing housing for older people. However, the report does not set out needs on a more local basis. Whilst this report includes measures to address this, by requiring 15% of the units on larger sites to be bungalows, the Council's Annual Nonrioting Report shows that in the year April

2015 to March 2016, 47 units of elderly persons accommodation were granted on 3 sites. In the monitoring year April 2016 – March 2017, 7 units on three sites were approved. Of the 445 elderly bungalows identified to be needed by the Council in September 2015, 391 remain to be approved and still needed.

**5.5.** The appeal application was accompanied by a report from Pinders that set out that in terms of demographics the elderly population is set to increase quite dramatically by 2036 with a shortfall in provision of all types of elderly accommodation. This is reflected in the Council's Strategic Market Housing Assessment (SHMA) 2013 that identifies that there is a higher than average proportion of people of pensionable age within the Ribble Valley and that this is increasing at a significant rate. The report to the Council's Health and Housing Committee in September 2015 reflected the housing waiting lists for the general need for older people's dwellings and bungalows in particular. This generally accepted need for elderly accommodation across the borough is not broken down into specific need for each individual parish on a more local basis. There is no recent housing needs survey for the parish. Such a survey was undertaken in 2011, but as the survey says, this is a 'snapshot in time' and was aimed at local affordable housing need and so is of little relevance to the market elderly dwellings proposed in this scheme. Therefore, it is not a reliable picture of current needs and cannot be accorded any weight to the consideration of this scheme.

**5.6.** There is a clear need for accommodation for older people across the borough. The Council's policy of requiring 15% of the larger housing sites to be elderly bungalows is not sufficient to meet the identified need. That is because in the years 2016/17 only 54 have been approved. To meet the identified 445 bungalow need to the end of the CS period (2018) 37 bungalows per year need to be approved so in 2016/17, there is already a shortfall of 20 ( $74 - 54 = 20$ ). Whilst the elderly bungalow need is not a 'local need' and therefore not in accordance with CS policy DMG2 and DMH3 which require 'local needs' housing, there is nonetheless a clear overall need that is a considerable material consideration to warrant a decision other than in accordance

with those policies. The Council's reports referred to are attached at appendix 2

### **The need for affordable dwellings.**

- 5.7. The Council's Annual Monitoring Report 2017 (AMR) provides for an annual target of 75 affordable dwellings per year. The target therefore for the CS to date from 2008 – 2017 (the Council's latest AMR) is 675 (9 x 75). The 2017 AMR confirms that to date 533 affordable dwellings have been provided, a shortfall of 142 over that period. The Council's 2017 HLAS shows 561 affordable dwelling completions over the period 2008 -2017, a shortfall of 114 affordable dwellings. There is therefore a borough wide need for affordable housing and this site will provide some contribution towards that need.

### **The Sustainability of the location**

- 5.8. The appeal site adjoins onto the settlement of Barrow, which is identified in the development plan as one of the more sustainable of the 32 villages in the borough. In terms of access to services, there is a service area to the north, which is about 400 metres walking distance from the appeal site along Sheepfold Crescent, which is a well-lit, level route along adoption standard footpaths. At the service area there is a local shop as well as other leisure related uses such as coffee shop, petrol station and food takeaways. The area is to be further added to with planning permission having been granted for a children's nursery, employment units and further application pending for a large retail furniture store and tea rooms. There are frequent and regular bus services from Barrow to the surrounding area. Bus services 22 and 26/7 offer two buses per hour between 0600 hrs to 2300 hrs. The bus stops are on Whalley Road, in Barrow centre and on Holm Road, just before the service area to the north of the site. It is about 250 metres from the appeal site to Holm Road and about 550 metres to the Whalley Road stops. A plan showing the location of the bus stops is attached at appendix 2. The site will cater therefore for the day to day needs of residents and provide reasonable access to means of access other than the private car. The site therefore performs well in relation to access to local services,

as set out at paragraph 7 of the framework.

### **Other matters**

- 5.9. The Council's Notice of Decision includes at reason no. 2 matters related to the oversupply of housing and the overprovision exceeding the level of housing provision for Barrow envisaged in the CS. However, those numbers are not intended to serve as a ceiling and can be exceeded in circumstances to provide flexibility to meet needs. There are no identified infrastructure capacity, utilities, services or facilities capacity issues that would mean that the development cannot be accommodated. Reason no 2 of the Council's decision therefore is without foundation.

## **6. CONDITIONS**

- 6.1. The restriction of the occupancy of the elderly bungalows is proposed to be for the over 55's and the appellant is happy for this to be dealt with by way of a planning condition. The provision of the affordable apartments will be ensured by way of a Unilateral Undertaking and this will be provided at a later stage of this appeal. A response will be given to the Council's suggested list of conditions when this is provided during the course of this appeal.

## **7. CONCLUDING REMARKS**

- 7.1 Paragraph 006 of Planning Practice Guidance repeats the provisions of section 70 (2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning and Compulsory Purchase Act 2004 that '*To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise* '
- 7.2 It is accepted that the appeal proposals are not in strict accordance with Key Statement DS1; and policies DMG2 and DMH3 because the appeal site is not within the defined settlement

boundary of Barrow. However, Key Statement DS2 specifically acknowledges that the presumption in favour of sustainable development, as reflected in paragraph 14 of the National Planning Policy Framework, provides for development that would otherwise not be in accordance with the development plan where the relevant policies are out of date. In this instance, the development plan is out of date as a consequence of the Council being unable to demonstrate the minimum requirement of a five year housing land supply – in accordance with the Supreme Court’s decision in *Richborough Estates v Cheshire East BC* [2017] UKSC 37. Whilst development that conflicts with the development plan should be refused unless material considerations indicate otherwise, there is a planning balance necessary where such conflict is identified. In this case, the Council cannot demonstrate a deliverable five year housing supply. As such, the relevant policies for the supply and location of housing are out of date through the operation of paragraphs 49 and 215 of the framework and paragraph 14 of the framework is engaged. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole, or specific policies in the framework indicate development should be restricted.

- 7.3 In this case, there are social benefits that arise from meeting an identified need for elderly bungalows in providing accommodation for the over 55’s and for the provision of affordable housing in an accessible location. These considerations carry considerable weight. There are economic benefits from the development in terms of job creation and support for local services and facilities after occupation. Considerable weight also needs to be given to the contribution the proposal would make to the boosting the supply of housing in an area where the housing supply is constrained based on the inability of the Council to demonstrate a five year supply. Whilst the development of the site would result in built development on a greenfield, the site is enclosed on three sides by existing development and there is no identified harm to the character and appearance of the area, landscape character and visual amenity. There is little therefore in

these proposals that results in adverse effects and not such that would significantly and demonstrably outweigh the benefits and there are no specific policies in the framework that would prevent it. Accordingly, the tilted balance from Key Statement DS2 indicates that permission should be granted. It follows, therefore, that the proposal is in accordance with the plan when read as a whole and thus permission should be granted without delay.

**7.4** In summary, therefore, the Appellant's case is as follows:

- i. **The Primary Argument:** The proposed development accords with the development plan when read as a whole, owing to the tilted balance within Key Statement DS2 applying and the harm not significantly and demonstrably outweighing the benefits of the proposal.
- ii. **The Secondary Argument:** In the event that it is found that the proposed development does not accord with the development plan as a whole, it follows that the proposal development must be determined in accordance with the tilted balance within paragraph 14 of the NPPF. In this context, the NPPF, as a material consideration, indicates that planning permission ought to be granted notwithstanding the conflict with the development plan.
- iii. **The Tertiary Argument:** In the event that it is found that the tilted balance does not apply, the benefits associated with the proposed development are still a material consideration of such significance that permission ought to be granted.

**APPENDIX 1.**

**COPIES OF REFERRED TO APPEAL DECISIONS**



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## Appeal Decision

Hearing held on 17 April 2018

Site visits made on 17 April 2018 and 18 April 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 May 2018**

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### **Appeal Ref: APP/T2350/W/17/3186969** **Land at Higher Road, Longridge**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by VH Land Partnership against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/1082, dated 17 November 2016, was refused by notice dated 18 April 2017.
  - The development proposed is an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road.
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### **Decision**

1. The appeal is allowed and planning permission is granted for an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road at Land at Higher Road, Longridge in accordance with the terms of the application, Ref 3/2016/1082, dated 17 November 2016, subject to the conditions set out in the attached schedule.

### **Procedural Matters**

2. The application was submitted in outline with all detailed matters other than means of access reserved for future approval. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on that basis. The masterplan and illustrative material submitted with the planning application in so far as it relates to those matters has been taken into account for indicative purposes.
3. A signed and dated planning obligation by unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of this appeal. It includes obligations relating to affordable housing, off site leisure provision, highway and transport works and education. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.

### **Main Issue**

4. The main issue is whether the development proposed would be consistent with the objectives of policies relating to the location and supply of housing.

## Reasons

### *Location and supply of housing*

5. The appeal site, except for No 74, is undeveloped land comprising a number of agricultural fields that lie adjacent to the edge of the built up area of Longridge, which includes the linear arrangement of houses adjoining the site that face Higher Road and Dilworth Lane. There is also a residential development immediately adjacent that is under construction which is accessed from Blackburn Road and also adjoins Dilworth Lane. The remaining site boundary adjoins Tan Yard Lane, a track and bridleway accessed from Blackburn Road with open fields and reservoirs immediately beyond. The submitted plans indicate that the development of up to 123 dwellings would include a new access from Higher Road which would utilise the land currently occupied by No 74 that is proposed to be demolished.
6. Key Statement DS1 of the Ribble Valley Borough Council Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley (CS), adopted December 2014, sets out the development strategy. It seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based upon 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. In that context, Longridge is identified as one of three principal settlements which are the highest order settlements within the hierarchy where the majority of new housing development will be located.
7. The housing requirement set out in Key Statement H1 of the CS indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period. The supporting text to Key Statement DS1 at paragraph 4.11 and Appendix 2 of the CS include tables which identify the number of houses required for each settlement by 2028 to meet the housing requirement. The number to be delivered in Longridge is stated as 1,160 houses during the plan period, with a residual number of 633 houses remaining as at 31 March 2014<sup>1</sup> to meet that figure.
8. In seeking to deliver the above, the CS does not define an up-to-date settlement boundary for Longridge and Key Statement DS1 of the CS indicates that specific allocations will be made through the preparation of a separate allocations DPD. Consequently, the settlement boundaries currently utilised by the policies of the CS are those defined by the proposals map of the preceding Ribble Valley Districtwide Local Plan. During the Hearing it was confirmed by the parties that it is not a matter of dispute that the site is located outside of the existing settlement boundary of Longridge and therefore, lies within open countryside.
9. Policy DMG2 of the CS, indicates amongst other things, that development in the open countryside will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. In that regard, the

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<sup>1</sup> Takes account of completions/permissions granted up to 31 March 2014, plus a reappportionment of 200 houses to other settlements in Ribble Valley to reflect a planning permission granted near to Longridge for 200 units at Whittingham Lane within Preston Borough.

landscape sensitivity of the site and its surroundings is assessed as medium by a landscape visual impact assessment (LVIA) accompanying the application. To my mind that assessment in the LVIA appropriately reflects the higher sensitivity of the open countryside generally, but takes into account that the steeply sloped topography of the land is viewed against the backdrop of existing properties that face Higher Road and Dilworth Lane with the rural character at the edge of the built up area further eroded by development under construction immediately to the south. Although the site lies close to the boundaries of the Longridge Conservation Area and the Bowland Forest Area of Outstanding Natural Beauty, it has no influence on the special character and interest of those areas due to the presence of intervening built form and landscaping.

10. With regard to the above, the construction of dwellings on the site would result in built development on greenfield land that currently consists of largely open fields in agricultural use. However, it is evident that when taken together with the development under construction immediately to the south that there is some scope to absorb development adjoining the existing settlement boundary and provide a more robust boundary between the built up area and open countryside. In that context, both Key Statement DS1 and Policy DMG2 of the CS, when taken together, permit development proposals in the principal settlements, including Longridge, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built area. Nonetheless, although the site adjoins the principal settlement of Longridge it lies outside of it and therefore, does not meet the precise wording of either Key Statement DS1 or Policy DMG2 which require development proposals to be in the principal settlements and, therefore, it would result in a consequent loss of open countryside. In that respect, there is also conflict with Policy DMH3 of the CS that relates to dwellings in the open countryside and which seeks to limit residential development to a closed list of exceptions and criteria, which the proposed development would not meet.
11. In reaching the above findings, it is evident that the conflict with the above policies and the Development Strategy relates specifically to the existing designation of land as open countryside. Concerns have been expressed with respect to the oversupply of housing that would result from the development relative to the residual numbers for Longridge in paragraph 4.11 and Appendix 2 of the CS. However, I find no harm in that respect as those numbers are not intended to be interpreted as a ceiling and can be exceeded in circumstances to provide flexibility to meet the local needs set out in the CS and where there is infrastructure capacity to deliver the development. The development is intended to contribute to meeting significant local needs in terms of affordable housing and older persons housing in accordance with the CS. Furthermore, there is no substantive evidence before me that local infrastructure, utilities, services and facilities could not accommodate the development, including when taken cumulatively with development nearby within the administrative area of Preston City Council, subject to planning obligations that are considered in detail later in this decision.
12. I have also taken into account that the emerging Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD) was submitted in July 2017 and did not include the site within its proposed allocations or its settlement boundary for Longridge. However, as the examination in public has yet to take place and there are unresolved objections

to the document including the proposed settlement boundary, the emerging HED DPD is not an influential factor upon the above findings. In addition, the Longridge 2028 Neighbourhood Development Plan - Regulation 16 Submission Draft - January 2018 (NDP) was also provided during the Hearing. However, the emerging NDP does not currently include specific housing policies relating to land beyond the Longridge settlement boundary or policies that add to those that are relevant to the proposal in the CS. In any case, the NDP is at an early stage of preparation and consequently, I can afford little weight to it.

13. When having regard to all of the above, there is conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS and the associated objectives relating to the location of housing and the protection of the countryside. Nevertheless, to conclude on the main issue as a whole it is necessary to also assess the existing housing land supply position in Ribble Valley which I go onto to consider.

#### *Housing land supply in Ribble Valley*

14. In order to boost significantly the supply of housing, paragraph 47 of the National Planning Policy Framework (the Framework) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.
15. During the Hearing, the appellant provided an up-to-date position<sup>2</sup> relative to the Council's Housing Land Availability Schedule - October 2017 (HLAS) which has a base date of 30 September 2017 for the calculation of housing supply and includes the shortfall of delivery during the plan period to date of 649 dwellings. In that respect, the appellant considers that the Council can demonstrate a housing land supply of approximately 4.3 years when including a 20% buffer relative to paragraph 47 of the Framework. The Council position in the HLAS as at September 2017 was a housing land supply of 5.9 years, including the application of a 5% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission that had not started and a windfall allowance.
16. The Council have subsequently provided an April 2018 update to the figures as at 30 September 2017 which reduced the expected yield from large sites within the five year land supply by 240 dwellings, thereby reducing the housing land supply to approximately 5.4 years, when including a 5% buffer, the shortfall of delivery in the plan period, 10% slippage applied to sites with planning permission not started and windfalls. Aside from the level of buffer to be applied in accordance with the Framework, the differences between the parties reflect the level of contribution from large sites with planning permission and proposed allocations in the emerging HED DPD. There is no dispute between the parties with respect to a windfall allowance of 115 dwellings in total and based on the evidence before me, I have no reason to take a different view in that regard.
17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing

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<sup>2</sup> Hearing document 5

delivery test' set out in a Government White Paper<sup>3</sup> that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham<sup>4</sup> and Lower Standen Hey Farm, Clitheroe<sup>5</sup> where Inspectors considered the application of methodologies subject to consultation to be premature.

18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1. I, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
19. The application of a 20% buffer, rather than a 5% buffer, to the Council's updated position submitted prior to the Hearing results in a housing land supply of approximately 4.7 years. The remaining differences between the parties relate to the contribution of a list of disputed sites submitted as part of the appeal that I deal with in turn below.
20. *Higher Standen Farm*. The site is under construction by a single developer and the Council's figures of 200 dwellings to be delivered within five years are derived from a delivery rate of 20 dwellings in year 1, with a delivery rate of 45 dwellings per annum in the remaining years. During the Hearing, the Council have indicated that commencements have been recorded in the half year to date, but with no completions so far. Based on the evidence before me, the delivery rate applied by the Council is at the upper end of the range provided by the developer which was 40 - 45 dwellings per annum. In that respect, whilst the delivery of 20 dwellings in the first year may be achievable, the 45 dwellings per annum in the remaining years appears overly optimistic when compared with delivery rates experienced in Ribble Valley on most other sites with a single developer. I, therefore, consider the lower delivery rate of 40 dwellings per annum to be a more reasonable forecast for years 2 - 5.

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<sup>3</sup> Fixing our Broken Housing Market, February 2017

<sup>4</sup> Appeal Ref: APP/X1355/W/16/3165490 - 29 September 2017

<sup>5</sup> Appeal Ref: APP/T2350/W/17/3174924 - 25 October 2017

Based on the evidence before me, the contribution from this site is more likely to be in the region of around 180 dwellings in the five year period.

21. *Land South West and West of Whalley Road, Barrow.* The site is under construction in two phases and the parties reached an agreement prior to the Hearing that the site would contribute 150 dwellings during the plan period at an annual delivery rate of 30 dwellings per annum, which is lower than the Council forecast in the HLAS. Based upon the evidence before me, I have no reason to take a different view to the parties and consider that the contribution from this site is likely to be around 150 dwellings in the five year period.
22. *Land off Waddington Road, Clitheroe.* The site has outline planning permission and a reserved matters application has been submitted to, but has yet to be determined by the Council. During the Hearing it was confirmed that the Council's figures of 110 dwellings to be delivered within five years are based upon a delivery rate provided by a developer that is no longer proceeding, with anticipated completions in year 2 (2018/19) of 20 dwellings and a delivery rate of 30 dwellings per annum in the remaining years. In the circumstances, I consider that the Council's lead in times for commencement on site and completions are now overly optimistic. The appellant's lead in time of 24 months (from September 2017) for a new developer to receive approval for reserved matters, discharge the requirements of conditions and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings in each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
23. *East of Clitheroe Road, Whalley - Lawsonsteads.* The site has reserved matters approval, but the Council since October 2017 have subsequently revised down the figures to 105 dwellings to be delivered within five years due to infrastructure constraints associated with Phase 1 that have delayed commencement of development on this site. During the Hearing, it was confirmed by the parties that the original developer is no longer proceeding and whilst a new developer has expressed interest it would likely necessitate a full application that has yet to be submitted to overcome existing drainage issues. In the circumstances, I consider that the Council's lead in times are overly optimistic. The appellant's lead in times of 24 months (from September 2017) for a new developer to obtain its own planning permission, overcome infrastructure constraints and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
24. *Land east of Chipping Lane, Longridge.* Based upon the evidence before me, the site has outline consent, with reserved matters consent for phase 1 comprising 118 dwellings that has commenced and a full planning permission granted for phase 2. The Council figures of 150 dwellings to be delivered within five years are based upon a delivery rate of 30 dwellings per annum in each year. During the Hearing, the Council indicated that commencements have been recorded in the half year to date, but with no completions so far. In the circumstances, I consider that a delivery rate of 30 dwellings in the first year is overly optimistic and a forecast of 15 dwellings in the first year, with 30 dwellings in each subsequent year would be a more reasonable and realistic

outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 135 dwellings in the five year period.

25. *Land north of Dilworth Lane, Longridge.* The site is under construction and the Council's figures of 171 dwellings to be delivered within five years reflect the build out of the remainder of the site during the five year period. During the Hearing, the Council confirmed that 24 completions were recorded in the previous year with a further 10 completions having been recorded since October 2017 with commencements having also taken place. The appellants indicated that their own figures based upon 30 dwellings per annum should be revised down to match the lower delivery rate in the previous year resulting in a total contribution of 120 dwellings during the five years. However, when taking account of the evidence of the build out rates within the site to date and the fluctuations that can occur between each year, I consider that the application of a delivery rate of 30 dwellings per annum would be a more reasonable and realistic figure as an average that would be achievable across the five year period. Therefore, based on the evidence before me, the contribution from this site is likely to be around 150 dwellings in the five year period.
26. *Preston Road, Longridge.* The site has planning permission with the developer expected to start on site in July 2018. The Council's figures reflect no delivery in year 1 (2017/18) with a delivery rate of 30 dwellings in years 2-5, whilst the appellant indicated that due to lead in times delivery should only be expected in years 3-5. I consider that the middle ground between those figures would be realistic in year 2, with a build out rate of 15 dwellings to reflect the lead in times from anticipated commencement late in year 1 to the first completions in year 2, with delivery of 30 dwellings per annum in the remaining years. Therefore, based on the evidence before me, the contribution from this site is likely to be around 105 dwellings in the five year period.
27. *Sites allocated in the emerging HED DPD.* The proposed allocations within the submitted version of the emerging HED DPD are Land at Mellor Lane (HAL1) which contributes 15 dwellings to the Council figures and Land at Wilpshire (HAL2) which contributes 35 dwellings.
28. The allocations remain subject to objections and do not have planning permission, but were subject to a site selection process as part of the preparation of the HED DPD prior to its submission. The Council confirmed during the Hearing that there are no constraints to the delivery of HAL1 and no contrary evidence was provided. In that respect, I am satisfied that given the scale of the site, a developer would be capable of obtaining planning permission, commencing on site and building out HAL1 at the level indicated in the Council figures during the five year period.
29. With respect to HAL2, I observed that there are overhead power lines with a pylon located close to the access to the site, but I am satisfied that it would not preclude delivery given that there are existing dwellings nearby and a road that has already been built close to the pylon. Furthermore, I am satisfied that the Council's nominal capacity for the site incorporates reasonable deductions to reflect any reduction in developable area associated with the constraint of overhead power lines. Consequently, given the scale of the site, there is no substantive evidence before me which indicates that a developer would be incapable of obtaining planning permission, commencing on site and building

out HAL2 at the level indicated within the Council figures during the five year period. Therefore, based on the evidence before me, the contribution from HAL1 and HAL2 is likely to be around 50 dwellings in the five year period as indicated by the Council.

30. When having regard to my above findings with respect to the disputed sites, the Council's housing land supply is reduced by a further 136 dwellings in total during the five year period. As a consequence, I find that on the basis of the evidence before me the deliverable housing land supply demonstrated is approximately 4.5 years, including the application of a 20% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission not started and a windfall allowance, in accordance with the Framework. In that respect, even if the Council's predictions relating to some of the sites prove to be more accurate, it would not significantly alter the housing land supply position and would only marginally reduce the shortfall within the range of 4.5 years and a maximum of 4.7 years of deliverable housing land supply.
31. Having regard to all of the above, I conclude that the development would conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in terms of their objectives relating to the location and supply of housing. However, the restrictions in those policies are not consistent with national policy objectives in the Framework to boost significantly the supply of housing in circumstances where a five-year supply of housing land has not been demonstrated and therefore, they are not up-to-date. In that respect, to conclude on the compliance of the proposal with the development plan and the Framework as a whole as part of the planning balance, it is necessary to firstly consider any other matters that are relevant to the proposal.

### **Other Matters**

#### *Highway and pedestrian safety*

32. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented where the residual cumulative impacts are severe. The highway authority is satisfied that the additional traffic arising from the development could be accommodated on Higher Road and the surrounding highway network without a severe impact. This would be subject to certain measures, such as the formation of the new access following the demolition of No 74. It would also require contributions to and delivery of specific highway improvements including traffic calming measures on Higher Road and upgrades to the junctions and pedestrian crossings at Preston Road-Chapel Hill, Preston Road-Kestor Lane and the Longridge Road roundabout, together with public transport upgrades and off site contributions to walk routes and cycling (linked to the emerging NDP) as listed in Schedule 4 of the UU. Based on the evidence before me and my observations of the site and its surroundings at different times of the day, I have no reason to take a different view to those of the highway authority.
33. With regard to the above, the Council and the highway authority have also raised no objection with respect to the proposed access, its layout and agreed visibility splays and sight lines, subject to the new footpath connections and alterations proposed to each side of the access as referred to in Schedule 4 of the UU. Based on the evidence before me and my observations, I have no

reason to take a different view and consider that the proposal would ensure that safe and suitable access to the site can be achieved for all people.

34. In reaching the above findings I have taken into account the concerns expressed by interested parties in terms of existing parking arrangements and access for emergency vehicles on Higher Road, particularly at its narrowest point near the Club Row terraces where I observed that on-street parking is at its most prevalent but passing places were still available. In that respect, the development would not increase the demand for on-street parking or increase traffic flows on Higher Road to an extent that existing highway conditions and parking arrangements would be significantly altered or worsened. I am satisfied, therefore, that the development would not have a detrimental impact upon highway safety or preclude access for emergency vehicles, which is capable of being secured within the site as part of the detailed site layout to be submitted as part of the reserved matters.

#### *Living conditions*

35. The masterplan and illustrative material submitted with the planning application demonstrate that adequate separation distances to neighbouring properties facing Higher Road, Dilworth Lane and the on-going development immediately adjacent could be achieved to preserve the living conditions of their occupiers and future occupiers of the development in terms of outlook and privacy. Existing views from the rear elevations and rear gardens of the adjoining properties facing Higher Road and Dilworth Lane would be affected by the development. However, that is generally the case with development on the edge of an existing settlement. A well-designed and appropriately landscaped development would be capable of limiting the perception of the site being suburbanised, whilst providing a suitable outlook for occupiers of neighbouring properties around the site. I am satisfied that the detailed issues in those respects could be appropriately addressed through the reserved matters relating to layout, scale, appearance and landscaping, taking account of the variations in topography.
36. The proposed access road between Nos. 70 and 76 would increase the noise and activity experienced by occupiers of those properties. However, I do not consider that the extent of those effects would result in significant harm or disturbance to their existing living conditions. In reaching that view, I have taken into account that potential mitigation measures could be provided at reserved matters stage or by condition, such as appropriate use of land levels for the access relative to the slab levels of surrounding properties, additional landscaping buffers and acoustic fencing. The construction phase could also be suitably controlled to prevent unacceptable impacts in terms of noise and disturbance through the agreement of a Construction Method Statement.
37. Interested parties have also expressed concerns with respect to the impact on property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as the value of land and property. The issue of restrictive covenants relating to the site has also been raised. However, I see no reason why the grant of planning permission would supersede any private legal rights relating to land ownership or a leaseholding. Consequently, those matters fall outside of my jurisdiction and have not had any material bearing on my assessment of the planning issues in this appeal.

*Ecology, trees and open space*

38. The Ecological Appraisal submitted with the application found no substantive evidence of any protected species within the site or the surrounding area that would be adversely affected by the development. Based upon the evidence before me, I have no reason to take a different view. Furthermore, I am satisfied that the compensatory planting, habitat enhancement and precautionary measures identified relating to amphibians, bats, badgers, nesting birds, brown hares, invertebrates and reptiles would be suitable and could be secured through conditions, and the detailed site layout and landscaping submissions as part of the reserved matters. I, therefore, find that the development would not have an adverse impact upon ecology and biodiversity.
39. The Tree Report submitted with the application indicates that the masterplan and illustrative details that accompanied the application could require the removal of one high quality tree, two moderate quality trees, one low quality tree and three low quality groups within the site. Additionally, it indicates that five trees and one group located within the site are considered unsuitable for retention for reasons unrelated to the development. However, the layout and landscaping proposals are illustrative and the specific details remain subject to a reserved matters submission. In that regard, I am satisfied that the detailed submissions could suitably incorporate existing high and moderate quality trees within the site, together with the trees and hedgerows along the site boundary and those located on neighbouring land with crown overhangs or root protection areas within the site. Tree protection measures in those respects can be secured by condition. In addition, the landscaping within the site would be capable of including extensive new tree and hedge planting to adequately compensate for any loss of lower quality trees within the site.
40. The detailed provision of public open space within the site, including useable spaces, natural play spaces, pedestrian footpath links and cycle routes, can be secured as part of the reserved matters and conditions in accordance with the illustrative details within the masterplan accompanying the application, including potential links to the Longridge Loop as set out in the emerging NDP. The public open space provision in that respect would have wider recreational benefits to the Longridge area given that the site has no public access at present, even though the primary purpose would be to meet policy requirements.

*Drainage and flood risk*

41. The development would not be at unacceptable risk of flooding or increase the risk of flooding to surrounding properties, subject to the suitability of the detailed site layout as part of the reserved matters, together with foul and surface water drainage measures, including sustainable drainage systems (SuDs). Those drainage details are capable of being secured by conditions.

*Planning obligation and infrastructure*

42. There is a signed and completed UU. As previously mentioned, it requires the appellant to deliver affordable housing (30% affordable housing provision and 15% of the overall number of dwellings on site for occupation by those over 55 years of age, with half in the affordable provision) as set out in Schedule 1. It would also make the following contributions towards improving local

infrastructure that would serve the development: an off site leisure contribution to be paid relative to the reserved matters in accordance with occupancy ratios set out in Schedule 1, education contributions calculated in accordance with primary and secondary places as set out in Schedule 3 and Appendix 1 of the UU, highways and transport works and contributions specified in Schedule 4.

43. Having regard to the above and based on the evidence before me, I am satisfied that the proposed contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulation 122 and paragraph 204 of the Framework, given the precise financial contributions are dependent upon calculations relative to the details that come forward as part of the reserved matters. I have, therefore, attached weight to them in my decision. In reaching such a view, I have taken into account that there are minor typographical issues within the UU agreement relating to the off site works proposed on Higher Road in Schedule 4(2) and 4(7). However, I am satisfied that such matters would not prevent the implementation of the planning obligation given that those off site highway works and walking routes are also supported by specific details in associated plans that are before me.
44. It is not contested by the Council that the development would have a harmful effect upon existing infrastructure, subject to the planning obligations in the UU. In that respect, I also observed that the development would be within walking distance of a wide range of local services and facilities within Longridge. Furthermore, there is no substantive evidence before me which indicates that the available services, facilities and utilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require planning obligations as set out in the UU.

### **Planning Balance**

45. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in so far as they are relevant to the location and supply of housing and the protection of the countryside. Whilst the Council decision notice also refers to conflict with Key Statement DS2 of the CS it is a broad repetition of paragraphs 11 and 14 of the Framework and the planning balance necessary where conflict with the development plan is identified. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In that respect as the Council cannot demonstrate a deliverable five-year housing supply, the relevant policies for the location and supply of housing are out-of-date through the operation of paragraph 49 and 215 of the Framework. Paragraph 14 of the Framework is, therefore, engaged.
46. Paragraph 14 of the Framework states that for decision making this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
47. There are economic and social benefits arising from the provision of up to 122 additional homes including the potential for delivery of affordable housing and accommodation for over 55s to meet local needs in an accessible location,

which are important considerations that carry significant weight. There would also be associated economic benefits in terms of job creation during construction and support for local services and facilities after occupation, which carry significant weight based on the scale of the development proposed. Furthermore, considerable weight is given to the contribution which the appeal proposal would make to significantly boosting the supply of housing, where the supply of housing in Ribble Valley is constrained due to an inability to demonstrate a five year housing land supply, with a 0.5 year shortfall having been identified. In that respect, the proposal would contribute to a clear need for more market, affordable and older persons housing to be delivered in Ribble Valley. Based upon my findings, the scale of the development would not fully address the shortfall to an extent that a deliverable five year supply of housing land would be demonstrated. Nonetheless, the contribution to meeting housing need is significant and is afforded considerable weight.

48. The development would result in a loss of open countryside. However, given that the site is already mostly enclosed by development on three sides with varied topography, I have found no significant harm to the character and appearance of the area, landscape character and visual amenity, including views from neighbouring properties and a nearby bridleway, subject to the details of the reserved matters. There would also be no unacceptable impact in terms of highway safety, the living environment for future residents, the living conditions of existing residents, ecology and trees, and drainage that could not be resolved by the imposition of suitable conditions.
49. Having regard to the above, the adverse impacts of allowing this appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. In that respect, there are also no specific policies in the Framework which indicate that the development should be restricted. The proposal constitutes sustainable development when assessed against the Framework as a whole. Consequently, I find that there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission, therefore, should be granted.

### **Conditions**

50. I have had regard to the planning conditions that have been suggested by the Council. Where necessary I have reordered the conditions, amended the wording to ensure consistency with paragraph 206 of the Framework and consolidated the conditions where possible.
51. Conditions 1 - 5 relate to the submission of reserved matters, timescales, phasing, provide certainty of the outline permission granted and require compliance with approved details, design principles and parameters which are necessary. In that respect, conditions 6 and 7 necessarily restrict the height of any dwellings to not exceed two storeys in height and require full details of proposed ground levels and building finished floor levels in any subsequent reserved matters. Those conditions are required in the interest of the character and appearance of the area, to ensure that the development responds appropriately to the topography of the land and to preserve the living conditions of occupiers of neighbouring properties.
52. Conditions 8 and 9 necessarily require the submission of full details of proposed surface water attenuation ponds and other water bodies on the site, and works

for disposal of foul water and sewage, as part of the reserved matters. Condition 10 requires full details of boundary treatments to be erected within the site and is necessary in the interest of the character and appearance of the area, the living conditions of future occupiers and occupiers of neighbouring properties and to assess wildlife movement as part of the reserved matters. Condition 11 requires full details of proposed play areas and play equipment as part of the reserved matters which is necessary to ensure acceptable and adequate forms of useable public open space.

53. Condition 12 relates to the submission and approval of a detailed scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access. The pre-commencement condition is required in the interest of highway and pedestrian safety and it is necessary that the development is carried out in strict accordance with the approved details prior to the first occupation of a dwelling.
54. Conditions 13 and 14 are pre-commencement conditions that are necessary to secure full details of precautionary ecology measures mentioned previously relative to the full details of any subsequent reserved matters approval. Condition 15 is a pre-commencement condition for each phase that secures a Construction Method Statement which I consider is necessary to preserve the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.

### **Conclusion**

55. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

*Gareth Wildgoose*

INSPECTOR

## SCHEDULE

### CONDITIONS

- 1) No part of the development hereby permitted shall be commenced on any phase (as referred to in Condition 3) until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority.

In relation to landscaping, the details for each phase shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatments and a scheme of maintenance, including long term design objectives. The submitted landscape details shall take full account of the mitigation measures as contained within the submitted Ecological Appraisal (Report Ref: 3089 V1).

- 2) Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - a) The expiration of three years from the date of this permission; or
  - b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The submission of reserved matters relating to layout shall be accompanied by a phasing scheme, including the parcels which shall be the subject of separate reserved matters applications (where applicable), for the approval in writing by the local planning authority. For the avoidance of doubt the submitted information shall include anticipated commencement dates and annual delivery rates of housing for each phase or parcel of development.
- 4) The details in respect of the submission of any reserved matters shall be in accordance with the design principles and parameters as set out in the following documentation:
  - RF15-293-IN03-02: Green Infrastructure and Character document (February 2017)
  - Masterplan SK10 (February 2017)
  - Indicative Site Sections (February 2017)
  - Movement Framework (February 2017)
- 5) No more than 123 dwellings shall be developed within the application site edged red on the submitted Red Line Boundary Plan (VHLP/7782/2194/01 Rev: A).
- 6) Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.

- 7) Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt, the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

- 8) Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on the site. Before any details are submitted to the local planning authority, an assessment of site conditions shall be carried out having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The submitted details shall as a minimum:

- a) provide information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and,
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

For the avoidance of doubt, the submitted information shall also include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments, together with means of access for maintenance and easements where applicable. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.

- 9) Applications for the approval of reserved matters shall be accompanied by full details relating to works for the disposal of foul water and sewage. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.
- 10) Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt, the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

- 11) Applications for the approval of reserved matters, where relevant, shall be accompanied by full details of all proposed play areas and associated play equipment.

For the avoidance of doubt, the submitted details shall include the specification and nature of all proposed surfacing, informal/formal play equipment and details of existing and proposed land levels and all associated landscaping and boundary treatments where applicable, including timescales for delivery. The development shall be carried out in strict accordance with the approved details.

- 12) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access, has been submitted to, and approved in writing by the local planning authority in consultation with the Highway Authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of any dwelling.

For the avoidance of doubt, the submitted details shall also include the precise nature and design of all pedestrian/cycleway accesses into and out of the site including details of their interface with existing pedestrian/cycle routes or networks.

- 13) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority.

For the avoidance of doubt, the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied, and thereafter retained. The development shall be carried out in strict accordance with the approved details.

- 14) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of a package of proposed mitigation measures, as outlined in Section 6 of the approved Ecological Appraisal (Report Ref: 3089 V1) has been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the mitigation shall include, but be limited to the provision for bat and bird boxes, the improvement of existing hedgerow, creation of refugia/hibernacula/habitat features and bee and wasp nest boxes. The submitted details shall include the timing and phasing for the

creation/installation of mitigation features and a scheme for future management and maintenance where applicable. The development shall be carried out in strict accordance with the approved details.

- 15) No development shall take place within a phase (pursuant to condition 3 of this consent) until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:
- a) The location of parking of vehicles of site operatives and visitors
  - b) The location for the loading and unloading of plant and materials
  - c) The location of storage of plant and materials used in constructing the development
  - d) The locations of security hoarding
  - e) The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt, such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
  - f) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - g) Days and hours of operation for all construction works.
  - h) Details of good practice and management measures to be employed during the development, including the identification of suitable of suitable highway routes for plant and material deliveries to and from the site, and measures to ensure that construction and delivery vehicles do not impede access to and from the site.

The approved statement shall be adhered to throughout the construction period of the development.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Peter Vernon (Did not attend site visit)	VH Land Partnerships
Gary Hoerty	Gary Hoerty Associates Ltd
Kieran Howarth (Did not attend site visit)	Gary Hoerty Associates Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

Colin Hirst (Did not attend site visit)	Ribble Valley Borough Council
Rachel Horton	Ribble Valley Borough Council
Stephen Kilmartin	Ribble Valley Borough Council

### **INTERESTED PARTIES:**

Kenneth Cooper	Local Resident
Brian Holden	Local Resident
Anthony Ingham (Did not attend site visit)	Local Resident
John Murphy	Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Planning Obligation by Unilateral Undertaking dated 16 April 2018
- 2 Updated 5 year housing land position provided by the appellant
- 3 Written statement from Mr Cooper
- 4 Written statement from Mr Murphy
- 5 Written statement from Mr Holden
- 6 Written statement from Mr Ingham
- 7 Longridge 2028 - Neighbourhood Development Plan - Regulation 16 Submission Draft, January 2018
- 8 Appeal decision - APP/T2350/W/17/3174924
- 9 Letter from Indigo Planning to Council dated 13 April 2018 – Draft Allocation (HAL2) in submission version of the Housing and Economic Development – Development Plan Document

**DOCUMENTS SUBMITTED AFTER THE HEARING (BY AGREEMENT)**

- 1 Indicative Site Sections (February 2017) upon which the Council made its decision
- 2 Movement Framework (February 2017) upon which the Council made its decision
- 3 E-mail update received from the Council on 20 April 2018 relating to the dates for the Examination in Public of the HED DPD



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## Appeal Decision

Site visit made on 10 October 2017

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25<sup>th</sup> October 2017

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**Appeal Ref: APP/T2350/W/17/3174924**

**Lower Standen Hey Farm, Whalley Road, Clitheroe BB7 1EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Dummer against the decision of Ribble Valley Borough Council.
  - The application Ref: 3/2016/1196, dated 20 December 2016, was refused by notice dated 28 February 2017.
  - The development proposed is the erection of 5 no. dwellings and associated works.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As the proposal is near a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2012 (the Framework).
4. The appellants have drawn my attention to an appeal decision<sup>1</sup> relating to a nearby building to the west of the appeal site. Whilst I have paid careful attention to this decision, the circumstances are not similar in all respects because it is not within the setting of the listed building, has a significantly greater regard for its immediate landscape context, relies upon a more innovative design approach and predates the existing development plan. Consequently, this appeal has been determined on its individual merits and the evidence before me.

### Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area, bearing in mind the special attention that should be paid to the setting of the nearby Grade II listed building, 'Lower Standen Farmhouse'.

### Reasons

6. The appeal site is situated near the southernmost extent of the market town of

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<sup>1</sup> APP/T2350/A/12/2186164

Clitheroe. It comprises an extended curtilage of a listed farmhouse and an area of adjacent pasture that fronts onto the A671. The land generally rises from this road towards the farmhouse and is physically separated from the settlement by Pendleton Brook. The proposal comprises five detached dwellings arranged along an east-west axis. Access to the site would be via an existing driveway that links the A671 to a cluster of residential dwellings to the south west of the appeal site.

*Character and appearance*

7. 'Lower Standen Farmhouse' (Ref: 1072091) dates from the early 19<sup>th</sup> century and has a number of curtilage structures to the rear that have been converted for residential use. The farmstead occupies an elevated position in the landscape to the west of the A671. Historic mapping confirms the presence of the farmstead and indicates that it was surrounded by agricultural land. The building comprises a single range with a subservient, later addition projecting from its northern gable end. It is constructed from coursed rubble which is covered in pebbledash render on its front elevation. This building has an unusual single storey and two storey bow window either side of its main entrance.
8. Whilst the setting of the building has been subject to domestication, with over-sized barn conversions and the construction of a modern bungalow immediately to the south, it nevertheless retains an agricultural character. This is because the farmyard to the rear and pasture around the front still remain clearly legible. As these features are indicative of its former use they are of evidential value. Notwithstanding the nearby bungalow, the buildings occupy a visually distinct position in comparison to the main settlement and, in landscape terms, are consequently read as a farmstead rather than as a residential development. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the extended curtilage and pasture to the northeast of this building.
9. I observe from the plans and my site visit that the proposal would lead to a significant reduction in the openness of the nearby pasture and that the listed building would no longer remain legible as a semi-isolated building associated with a former farmstead, despite the retention of a small area of pasture in the southern part of the appeal site. I accept that this would maintain a primary view of the main elevation with glimpses of the farmyard beyond. However, this ignores the views of the wider farmstead, as set out above, which also contribute to its setting and thus its evidential value.
10. Consequently, I find the assessment of heritage significance too narrowly defined and therefore somewhat contrived. Furthermore, the suggestion that the proposal would be less harmful than changes that have already occurred carries little weight as the existence of harm is not a justification for further harm. Bearing in mind the existing rural character and appearance of the site, when viewed from the A671, I also find that the proposal would have a highly incongruent, suburbanising effect on the immediate area. This would not only result from the staggered, linear layout of the buildings and their regimented roof form, but also the associated hard landscaping, plot subdivision and domestic paraphernalia of future occupants.
11. Whilst I accept that more distant, undefined, vantage points may give rise to an inter-visibility that might suggest that the proposal is an integrated

extension of the southern settlement boundary, this is not how the proposal would be experienced by the majority of people who would regularly view the site from the A671. The appellants are of the opinion that the proposal would be well related to more recent development to the north of the appeal site. However, the open countryside is clearly demarcated at this point by the topography and vegetation associated with Pendleton Brook. Whilst similar in design, the proposal would result in the disruption of an otherwise visually distinct settlement boundary. Given the above, I find that the proposal would not only harm the setting of the listed building but would also be detrimental to the character and appearance of the rural landscape to the south of Clitheroe.

12. This impact would be significant given the high degree of visual prominence of the site. I observed that the proposal would be clearly visible to southbound road users given the rising ground, low stone wall and small number of intervening, deciduous trees. Whilst the trees are mature and would provide some screening during summer months this would not be the case during winter months when the scheme would be clearly visible. In any event, the trees are an impermanent feature that could be removed or die from natural causes at any time on the basis of the evidence that is before me. This also applies to the evergreen, boundary vegetation further to the south. If lost, the scheme would become clearly visible to northbound road users as well. As I have no planning mechanism before me to ensure the retention of these features, they cannot be relied upon to mitigate the harm that I have identified.
13. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the separation distances and retention of some of the pasture, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Clearly, the proposal would make, an albeit, small contribution to housing provision and would be sustainably located in close proximity to a settlement with a wide range of services and alternative modes of transport. However, I do not find that this outweighs the harm that would be caused to the setting of the listed building to which considerable weight and importance must be attached.
14. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with key statement EN5 and policies DMG1 and DME4 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) that seek, among other things, to ensure that the settings of heritage assets are conserved and protected and that all development has regard to its surroundings, including any impact on landscape character. As a result, the proposal would not be in accordance with the development plan.

#### *Housing land supply*

15. Clitheroe is designated a Principal Settlement in Key Statement DS1 of the CS

which seeks to guide development to the most appropriate locations within a series of identified settlements. When development occurs outside settlement boundaries, as defined by the retained proposals map of the former local plan, it is deemed to be in the open countryside and policies DMG2 and DMH3 of the CS apply. The appellants accept that the site is outside the currently defined settlement boundary but are of the opinion that it may be subject to change in the emerging plan. However, the Council have indicated that there are no unresolved objections to the position of the settlement boundary at this location and that it will therefore remain unaltered on the emerging proposals map. Bearing in mind the late stage of the emerging plan, I give this some weight in the planning balance of this appeal.

16. Policy DMG2 indicates, among other things, that development in the open countryside will be required to be in keeping with the character of the landscape. This would clearly not be the case, as set out in paragraph 10-12 of this decision. Policy DMH3 goes on to identify a number of exceptions where development may be permitted. None of these apply in this particular instance and this fact is not disputed. However, the appellants have disputed the presence of a deliverable 5-year housing land supply (HLS) which, if accepted, could lead to the engagement of paragraph 49 of the Framework which, in turn, would engage the so called 'tilted balance' as set out in paragraph 14 of the Framework. Irrespective of any conclusion relating to 5-year HLS, paragraph 14 would not be engaged, however, because of the harm that I have identified to the setting of the designated heritage asset. This is because footnote 9 of paragraph 14 of the Framework indicates that development should be restricted under such circumstances.
17. The Council has indicated that it has a 5.73-year HLS which is based on information from April 2017 which is materially different from the position at determination which was based on information from September 2016. Despite this fact, the appellants maintain that a deliverable 5-year HLS is not present. This is because they contend that a 5% buffer should not have been applied and that the available housing land supply has also been overestimated.
18. Turning to the first matter, the Council has justified the use of a 5% buffer through the application of a 'housing delivery test', as set out in a recent Government White Paper<sup>2</sup>. This suggests that a 20% buffer should not apply where completions over the last three years of a monitoring period exceed the annualised requirement, as set out in a development plan. Whilst clearly signalling Government intent, I find the adoption of this approach premature at the current time because it is based on a consultation document that could be subject to change despite the fact that the approach was due for implementation by November 2017. In any event, I note that the Council has used an unadjusted annualised requirement of 280 houses which has failed to account for a backlog of 750 houses which gives a higher annualised requirement of 430. Under such circumstances, it is clear that the Council has failed to meet its annual targets since the beginning of the plan period. As such, I am satisfied that a persistent record of under-delivery is present.
19. Turning to the second matter, the appellants have suggested that there is a shortfall of deliverable housing that amounts to 2,357 homes rather than the 2,588 homes identified by the Council. This difference turns on the

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<sup>2</sup> Fixing our Broken Housing Market. February 2017. HM Government.

deliverability of three sites: Higher Standen Farm; 23-25 Old Row; and Lawsonsteads. The Council concedes that the last site will make a reduced contribution of between 90-120 homes rather than the 160 that has been estimated but is satisfied that the other two sites will deliver the expected number. In relation to the first site, I acknowledge the 'conversation' that occurred with the housebuilder but find that the conclusions have not been substantiated in any written evidence. Consequently, this assertion only carries limited weight in the balance of this appeal. In relation to the second site, I acknowledge that a reserved matters application is still pending and note the site history. However, under the terms of footnote 11 of paragraph 47 of the Framework I am satisfied that the site can still be considered deliverable.

20. Given the above, it follows that a potential shortfall of up to 70 homes would result in a 4.89-year HLS with a 20% buffer and a 5.57-year HLS with a 5% buffer. However, the Council have allowed for a 10% slippage in its calculations for all sites with planning permission or awaiting Section 106 agreements that had not commenced by the 31 March 2017. As this amounts to 177 homes and is not disputed by the appellants, I am satisfied that a 5-year HLS is present at the current time whichever buffer is applied.
21. I acknowledge the evidence concerning the local development land market across the Borough. However, the conclusions were not based upon a full market research report, as indicated in the relevant letter. Moreover, the evidence comprised a single sentence which concluded that there was an upper sales limit in 2016 of around 2 houses per month. This was based upon informal reporting rather than quantitative evidence and lacks a suitable degree of robustness as a result. Furthermore, sales are not the same as completions and asking prices can be adjusted. Consequently, this evidence can only be viewed as subjective, unsubstantiated opinion of a highly generalised nature with no specific link to the above sites. I therefore give it limited weight in the planning balance of this appeal.
22. Given the above, I conclude that the development would be in the open countryside and that the full weight of locational policies applies. The proposal would therefore be contrary to policies DMG2 and DMH3 of the CS and would not be in accordance with the development plan.

### **Conclusion**

23. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR

**APPENDIX 2.**

**HEALTH AND HOUSING COMMITTEE REPORTS 2013 & 2015**

Directors - Alan Kinder, Dip.T.P (Leeds). MRTPI & Val Kendall

2, Reedley Business Centre, Redman Road, Burnley, Lancashire, BB10 2TY

Phone: 01282 834834 Fax: 01282 451666 Web: [www.avalontp.co.uk](http://www.avalontp.co.uk) Email: [planning@avalontp.co.uk](mailto:planning@avalontp.co.uk)

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## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 29 AUGUST 2013  
title: DEMAND FOR OLDER PERSONS ACCOMMODATION  
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE  
principal author: RACHAEL STOTT, HOUSING STRATEGY OFFICER

### 1. PURPOSE

- 1.1 To reiterate the demand for older persons accommodation in the borough and the lack of delivery by the housing market over the past 5 years. Resulting in a policy requirement for homes built to lifetime homes standard.
- 1.2 Relevance to the Council's ambitions and priorities:
- Council Ambitions – To match the supply of homes in the borough with the identified need.
  - Community Objectives – None.
  - Corporate Priorities – None.
  - Other Considerations – The housing strategy identified development of housing for older persons as a key objective.

### 2. BACKGROUND

- 2.1 In January 2012 the Health and Housing Committee adopted the Addressing Housing Needs document. The main change to the document previously used was the introduction of the requirement for development of over 30 units to provide accommodation for older people. The requirement on larger sites to provide 15% to be accommodation for older people ie bungalows or properties built to lifetime home standards was in response to various pieces of evidence.
- 2.2 Firstly demographic evidence, in 2010 the mid-year population figures showed that 19.7% of the population in Ribble Valley were over 65 years old compared to the UK average of 16.6%. The number of older residents was also increasing rapidly and there was a 40% increase between 2004 and 2009. Many of the borough's older residents live in remote rural areas and 6 parishes in the borough are in the bottom 10% nationally for access to services.
- 2.3 The housing waiting list and length of time households wait on the waiting list for accommodation was also a key factor in demonstrating need. In August 2013 the number of households on the waiting list and had registered for sheltered accommodation is 523 households.
- 2.4 The accommodation on the market suitable for older people is limited and the tenure choice is very restricted. For most older people the options are either privately owned bungalow accommodation or housing association owned sheltered accommodation. This limited choice creates high demand of both options. House prices for bungalows in the borough are particularly high and limited in number. This situation also creates pressure on sheltered accommodation. Owner occupiers find

themselves in the situation where accommodation only housing option is renting housing association sheltered when realistically the household would prefer to continue to be in home ownership.

2.5 Paragraph 5 within the document sets out the accommodation requirements for the elderly and is as follows:

Providing housing for the elderly has been a priority within the Housing Strategy for many years. However the market has not met the needs of the elderly and their preferred accommodation type. Therefore there is a requirement for 15% of large developments to be units for the elderly (over 55 year olds) built to lifetime homes standard. This will be achieved by:

- on sites of 30 units or more a requirement for 15% of the units to be for the elderly;
- of the 15% elderly accommodation a minimum of 50% would be affordable and included within the affordable offer of 30%;
- the remaining 50% of the elderly accommodation could be market housing and be sold at market value or rent. A local connection requirement would be applied to these units.

For example:

Site of 60 units in total – will seek to achieve 30% affordable which would deliver 18 affordable units. In addition 15% must be accommodation for the elderly, which is 8 units that must be units built to lifetime home standard. Of the 8 units 50%, 4 in this case need to be affordable and can be included in the affordable offer of 18, a further 4 will be market value properties with a requirement that they are sold to households with a local connection.

### 3 ISSUES

- 3.1 The policy to deliver affordable and market older person's accommodation on large sites (over 30 units) has come under scrutiny at a recent appeals. The evidence of the need for specific housing types has been questioned and the grounds for requesting older persons accommodation.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – N/A.
- Technical, Environmental and Legal – N/A.
- Political – Delivery of older persons accommodation is a key objective within the Housing Strategy.
- Reputation – The Council seek to achieve a balanced housing market.
- Equality & Diversity – To provide housing option for older people in the borough.

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Consider the evidence presented which supports the need for housing for older people and agree that the Council continues to request older person accommodation on all new developments of over 30 units as a key part of the Council's Housing Strategy.

RACHAEL STOTT  
HOUSING STRATEGY OFFICER

MARSHAL SCOTT  
CHIEF EXECUTIVE

**BACKGROUND PAPERS**

None.

For further information please ask for Rachael Stott, extension 4567.

REF: RS/CMS/H&H/290813

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 3 SEPTEMBER 2015  
title: PROPOSED AMENDMENT TO THE ADDRESSING HOUSING NEEDS  
POLICY  
submitted by: CHIEF EXECUTIVE  
principal author: RACHAEL STOTT – HOUSING STRATEGY OFFICER

### 1 PURPOSE

1.1 Committee to approve an amendment addressing the housing needs policy.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To address the housing needs for households in the borough.
- Corporate Priorities - None
- Other Considerations – None.

### 2 BACKGROUND

2.1 In January 2012, Committee approved the policy which sets out the affordable housing requirements in the borough 'Addressing Housing Needs'. Since this time, the policy has failed to deliver the older persons accommodation which is in the highest demand.

### 3 ISSUES

3.1 The housing waiting list has 445 households registered for bungalow accommodation. Last year 2014, we secured bungalows on just three sites in the borough. These were the first bungalows that had been brought forward since the introduction of the policy in January 2012. Developers are reluctant to provide bungalows on sites as they deliver less units per m<sup>3</sup> than the equivalent of apartment type accommodation. However, evidence from the SHMA and housing waiting list confirm the need for bungalow accommodation.

3.2 82% of all households on the over 55s/older people on Ribble Valley's housing waiting list request a bungalow. As a percentage of total households on the waiting list, this is 48% of all households. The SHMA clearly acknowledges the higher than average pensionable age population in the borough and consequently lower proportion of the population that is working age. More importantly this is forecast to rise significantly over the next 5 years.

3.3 The resident population and the labour market are accepted as the two main drivers of the housing market. Since 2001 the numbers of the population age 60-74 has markedly increased. The household composition in the borough indicates older persons households constitute 11.2% of all households compared to 8% regionally. In terms of the identified house type need, the largest need is for one bed accommodation followed by 2 bed. Therefore, to improve the market balance in future years, older person's accommodation is the area that requires the most input.

- 3.4 The Core Strategy Key Statement H2 housing balance confirms that determination of applications will reflect the local needs in terms of house type and tenure. The SHMA housing needs survey and housing waiting list will be used to determine if a development meets local need. This is further detailed in H3 affordable housing providing housing for older people is a priority for the Council within the Strategy. Therefore, the proposed alterations are recommended.

Paragraph 5.1 - Addressing Housing Needs policy.

Accommodation for the Elderly

- 5.1 Providing housing for the elderly has been a priority within the Housing Strategy for many years. However, the market has not met the needs of the elderly and their preferred accommodation type. Therefore, there is a requirement for 15% of large developments to be units for the elderly (over 55 year olds) built to lifetime homes standard. This will be achieved by:

- on sites of 30 units or more a requirement for 15% of the units to be for the elderly,
- of the 15% elderly accommodation a minimum of 50% would be affordable and included within the affordable offer of 30%.
- the remaining 50% of the elderly accommodation could be market housing and be sold at market value or rent. A local connection requirement would be applied to these units.

For example: Site of 60 units in total – will seek to achieve 30% affordable which would deliver 18 affordable units. In addition 15% must be accommodation for the elderly, which is 8 units that must be units built to lifetime home standard. Of the 8 units 50%, 4 in this case need to be affordable and can be included in the affordable offer of 18, a further 4 will be market value properties with a requirement that they are sold to households with a local connection.

Recommended

Providing housing for older people has been a priority within the Housing Strategy for many years. However, the market has not met the needs of older persons and their preferred accommodation type. The housing waiting list and the SHMA clearly support the need for bungalows, therefore there is a requirement for 15% of larger developments to be bungalows for the elderly built to lifetime homes standard and this will be achieved by:

- On site over 10 units or more a requirement of 15% of the units to be for the elderly.
- Of the 15% elderly accommodation, a minimum of 50% will be affordable and included within the affordable offer of 30%.
- The remaining 50% of the older persons accommodation could be market housing and sold at market value or rent. A local connection requirement will be applied to these units.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The resource implication will be on the developer to provide the units; this may lead to a viability issue on some developments.
- Technical, Environmental and Legal – Any Section 106 Agreement will be required to include bungalow's for older persons.
- Political – By amending the policy, the Council is responding to the evidence of the housing waiting list.
- Reputation – To address the housing needs of the borough is the Council's priority and the amendments will ensure that the housing needs of the older persons are met.
- Equality & Diversity – No implications identified.

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to amend paragraph 5.1 of the Addressing Housing Needs policy as set out above, to reflect the housing needs of older person's in the borough.

RACHAEL STOTT  
HOUSING STRATEGY OFFICER

MARSHAL SCOTT  
CHIEF EXECUTIVE

**BACKGROUND PAPERS**

None.

For further information please ask for Rachael Stott, extension 4567.

REF: RS/EL/030915/H&H

**APPENDIX 3.**

**PLAN OF BUS STOPS IN RELATION TO THE APPEAL SITE**

Directors - Alan Kinder, Dip.T.P (Leeds). MRTPI & Val Kendall

2, Reedley Business Centre, Redman Road, Burnley, Lancashire, BB10 2TY

Phone: 01282 834834 Fax: 01282 451666 Web: [www.avalontp.co.uk](http://www.avalontp.co.uk) Email: [planning@avalontp.co.uk](mailto:planning@avalontp.co.uk)

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