

# APPEAL STATEMENT

LAND AT OSBALDESTON LANE, OSBALDESTON  
DANIEL THWAITES PLC







# Rural Solutions

## APPEAL STATEMENT

### LOCATION

LAND AT OSBALDESTON LANE,  
OSBALDESTON

### PROPOSAL

CONSTRUCTION OF FOUR DWELLINGS

### APPLICANT

DANIEL THWAITES PLC

### ISSUE DATE

28TH FEBRUARY 2019

### DRAFTED BY

FIONA TIPLADY  
MRTPI, SENIOR PLANNER

### REVIEWED AND AUTHORISED BY

JAMES ELLIS  
MRTPI, ASSOCIATE DIRECTOR

CANALSIDE HOUSE  
BREWERY LANE  
SKIPTON  
NORTH YORKSHIRE  
BD23 1DR

01756 797501  
INFO@RURALSOLUTIONS.CO.UK  
WWW.RURALSOLUTIONS.CO.UK  
REGISTERED IN ENGLAND NO. 6839914  
VAT REGISTRATION NO. 972 8082 90

| AUTHOR | VERSION     | DATE       |
|--------|-------------|------------|
| FT     | VERSION 1.0 | 21/02/2019 |
| JE     | VERSION 1.1 | 28/02/2019 |

# CONTENTS

|    |  |    |
|----|--|----|
| 1. | INTRODUCTION   | 6  |
| 2. | SITE, SURROUNDINGS AND PLANNING HISTORY                            | 8  |
| 3. | THE APPEAL PROPOSAL  | 13 |
| 4. | THE DEVELOPMENT PLAN AND THE NATIONAL PLANNING POLICY<br>FRAMEWORK | 16 |
| 5. | GROUND OF APPEAL   | 21 |
| 6. | OTHER MATERIAL CONSIDERATIONS                                      | 30 |
| 7. | CONCLUSIONS AND PLANNING BALANCE                                   | 31 |

## I. INTRODUCTION

I.1: This appeal is submitted against the refusal of planning permission by Ribble Valley Borough Council for the construction of four dwellings on land at Osbaldeston, BB2 7HX. The outline planning application was submitted and registered on 12<sup>th</sup> September 2018 for four dwellings on the site.

I.2: Only means of access was considered as part of the planning submission.

I.3: The application was refused planning permission on 28th January 2019 for the following reasons:

1. The proposed residential development of this site is contrary to Key Statements DS1 and DS2, as well as Policies DMG2 and DMH3, of the Ribble Valley Core Strategy. Approval of this application would lead to new dwellings within the open countryside without sufficient justification which would cause harm to the development strategy of the borough as set out in the Core Strategy, leading to unsustainable development.

2. The proposed dwellings would be highly visible from Osbaldeston Lane and would result in the introduction of built form to the visual detriment of the character and appearance of the defined open countryside. The scheme is thus considered detrimental to the visual amenities of the area which is contrary to Key Statement EN2, and Policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy, as well as national guidance contained within the National Planning Policy Framework.

3. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals for residential development outside the settlement boundaries without sufficient justification which would have an adverse impact on the implementation of planning policies of the council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.

I.4: This statement responds to the reasons for refusal and is structured as follows:

- Section 2 describes the site and its surroundings, along with relevant recent planning history for the site;
- Section 3 identifies the proposal and describes the various elements of the scheme;
- Section 4 of this statement references the planning policy position – both local and national;
- Section 5 of this statement provides evidence to support the appeal with reference to the grounds of appeal;

- Section 6 identifies other material considerations which need to be taken into consideration. Note that this appeal is accompanied by a phase 1 ecology study, traffic speed surveys in addition to a copy of the comprehensive Design and Access Statement which also describes the overarching landscaping proposals and drawing package.
- Section 7 discusses the conclusions and the planning balance. It also highlights the social, economic and environmental benefits of the appeal proposal.

1.5: It is considered that the following matters are areas of common ground with the local planning authority based upon a review of the officer report:

- There is no highway objection to the scheme from the Highway Authority.
- There are no drainage matters which would prohibit planning permission being granted.
- There are no known heritage assets within the site.
- The indicative plans show that four dwellings could be sited on this site without having a detrimental impact on neighbouring residential amenity by way of overshadowing, loss of daylight or outlook.
- The slight widening of the access points would not impact on the root protection areas of the mature trees.
- A hedgerow can be suitably re-established behind the required visibility splay.
- The site has a low ecological value with no signs of protected species found.
- Great crested newts should not be a constraint for this development.

## 2. SITE, SURROUNDINGS AND PLANNING HISTORY

- 2.1: The appeal site is rectangular in shape and is 0.43 hectares in extent. It is linear in form, is currently undeveloped land, and is located in the settlement of Osbaldeston in the Ribble Valley. The site lies adjacent (to the northwest) of the Bay Horse public house which itself fronts onto the A59. This public house is within the historic ownership of the appellants.
- 2.2: Mature trees lie along the east boundary of the site.



Figure 1: The location of the appeal site is identified by the red circle. (Source Google Maps)

### CONTEXT

- 2.3: The site and its context are fully described in both the planning statement and design and access statement which were submitted as part of the application proposal. For ease of reference, these have again been described in this appeal statement.



- 2.4: The site slopes gently from east to west and is wholly within flood zone 1<sup>1</sup>. For clarity, it is confirmed that no issues have been raised by the local planning authority with regard to flooding or drainage matters.
- 2.5: There are no statutory designated nature conservation sites within the red-edged line. The associated field is grassland and is of negligible ecological importance<sup>2</sup>. A species of poor hedgerow currently exists around the various boundaries of the site. Scattered trees also exist along part of the eastern boundary of the site – these trees range in maturity but do not include any ancient or veteran specimens<sup>3</sup>. An ecological appraisal has been provided as part of the consideration of this appeal.
- 2.6: Along the eastern side of Osbaldeston Lane, a linear form of existing dwellings of varying styles are evident. This housing development along Osbaldeston Lane within the surrounds of the site almost entirely dates from the mid-late 20th century.
- 2.7: The site is not in a conservation area. The nearest listed building is St Marys Catholic Church and Primary School, which is within a relatively close proximity to the site (at a distance of 216 metres). There are no designated heritage assets, such as listed buildings or scheduled monuments, within the site boundary.
- 2.8: Due to the distances involved, the appeal proposal would not have any impact on the setting of these heritage assets. As such, the proposal is considered to be acceptable in terms of impacts on the historic environment.

#### SITE ACCESSIBILITY

- 2.9: Mellor Brook, a larger Tier 1 settlement<sup>4</sup> with a population of 2,4675 is located 2 kilometres (1.3 miles) to the south/southwest of Osbaldeston. To the west, along the A59 and the A677 lies the City of Preston which is 12.8 kilometres (8 miles away). This is where the nearest major stop of the west coast main train line is which has frequent train services to London (Euston), Scottish cities, Liverpool, Leeds and Bradford. Blackburn, a former mill town with a population of over 117,000, is sited 8.5 kilometres (5.3 miles) to the south of Osbaldeston.
- 2.10: The Tier 1 villages of Mellor and Mellor Brook provide local services to Osbaldeston and the cluster of villages in this locality. Each distinct village has, however, some facilities which support local services. Osbaldeston itself has a public house, a place of worship, a primary school and a car dealership. It is also located in very close proximity to the large employment hosting site of BAE Samlesbury and the newly opened headquarters office of Daniel Thwaites PLC.

---

<sup>1</sup> Environment Agency website

<sup>2</sup> Ecological Appraisal of the site by Naturally Wild

<sup>3</sup> Ecological Appraisal of the site by Naturally Wild

<sup>4</sup> Ribble Valley Core Strategy

<sup>5</sup> 2011 ONS Census

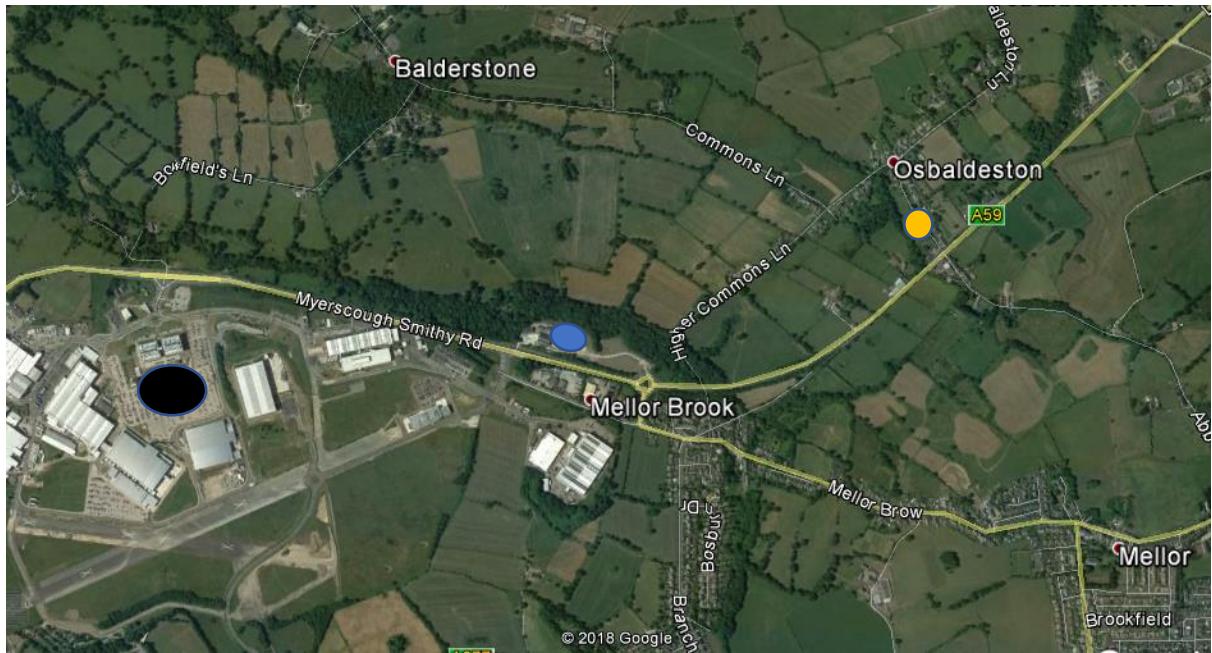


Figure 2: The context of the site and its close relationship to significant employment hosting sites at Mellor Brook and BAE Samlesbury which lies to the south of Myerscough Smithy Road. The appeal site is highlighted by a yellow dot. Daniel Thwaites PLC headquarters building is identified in blue. BAE Samlesbury is identified with a black dot.

Source: Google Maps

- 2.11: The provision of housing in this well-located rural area is supported by paragraph 78 of the NPPF.
- 2.12: Indeed, in the determination of a planning appeal for a dwelling at Brent Pelham<sup>6</sup> the Inspector in 2015 identified the Pelhams, Hare Street and Great Hornead as a cluster of villages where amenities are shared.
- 2.13: More recently, in November 2017 the Inspector<sup>7</sup> when considering six houses on a different appeal site in Brent Pelham opined that:

Whilst I note that Brent Pelham has few facilities it is, though, an established settlement.... I have had regard to the council's point that the East Herts Village Hierarchy Study of 2016 Brent Pelham scored very low relatively against sustainability criteria. There is only limited bus service and residents must largely rely on private vehicles for most of their daily needs. Nonetheless, paragraph 55 of the Framework actively promotes housing in rural communities where it would support the local economy, particularly in cases where amenities are shared between local villages such as is the case here.

<sup>6</sup> Appeal reference: APP/J1915/W/15/3130591 Land adjacent to The Causeway and 5 Lower Cottages, Brent Pelham

<sup>7</sup> Appeal reference: APP/J1015/W/17/3178674- Land at Owlitts Cottages, Brent Pelham

2.14: Paragraph 78 of the NPPF 2018 also contains the same material considerations by stating that ‘where there are groups of smaller settlements, development in one village may support services in a village nearby’.

2.15: Furthermore, National Planning Guidance (NPPG) states that

All settlements can play a role in delivering sustainable development in rural areas – and **so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.** (Our emphasis)

#### PLANNING HISTORY

2.16: Within Ribble Valley District, the most recent publicised monitoring report 2016-2017 informs that there were no housing completions in Osbaldeston from 2008-2017.

2.17: There is no history of housing development on this parcel of land.

2.18: A planning application (reference 3/2017/0206) for the creation of two vehicle access points leading to/from Osbaldeston Lane to the site was granted planning permission on 19th May 2017.

2.19: This permission has now been lawfully implemented following the discharge of the details of condition 04 of permission 3/2017/0206.

2.20: Overleaf is the approved site plan for the creation of the two accesses.

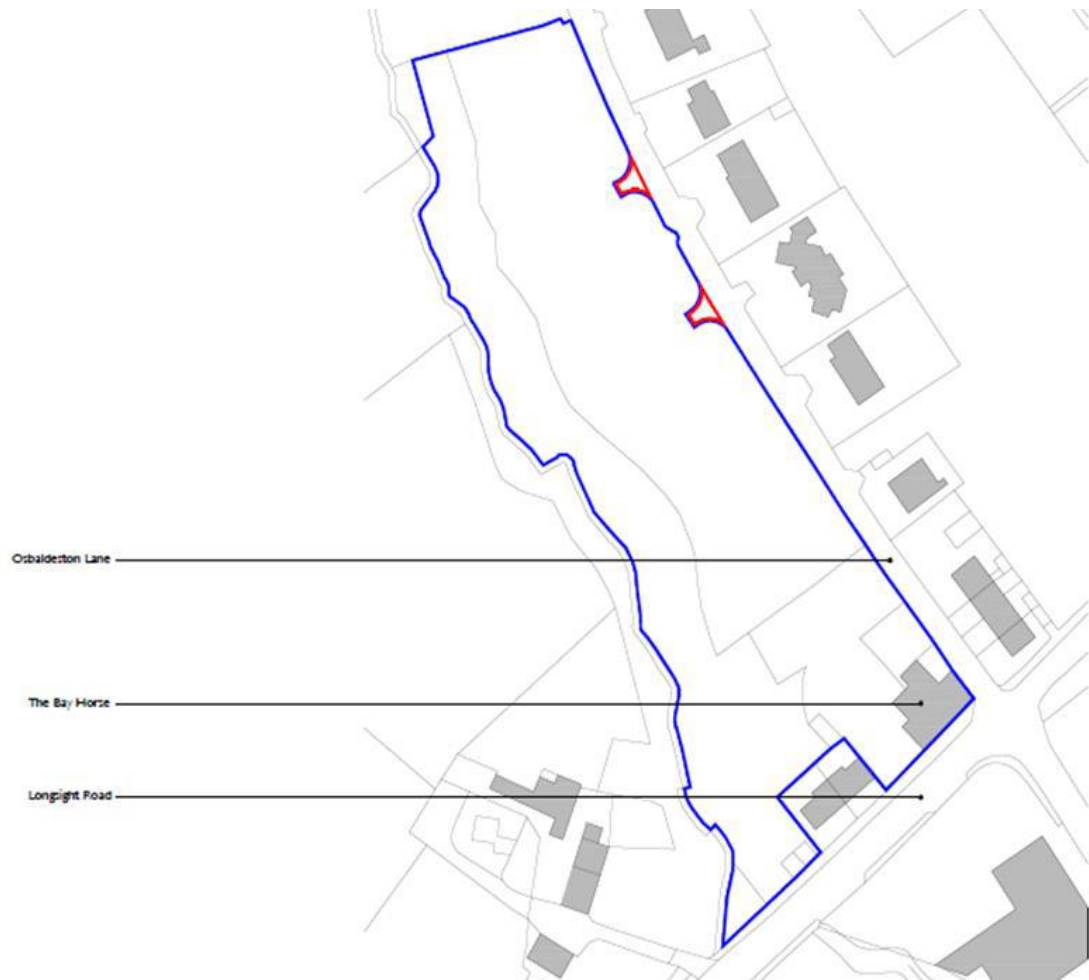


Figure 3: The approved site plan granted planning permission under reference 3/2017/0206.

### 3. THE APPEAL PROPOSAL

- 3.1: The appeal proposal is an outline planning application for the construction of four dwellings. Illustrative plans show a scheme that is well-conceived and which has been designed to reflect the established character of this part of Osbaldeston Lane, whilst also seeking to protect, conserve and significantly enhance the biodiversity on the site and the parcels of land which surround the site.

#### Materials

Chimney - stone  
Roof tiles - gritstone tiles  
Guttering - PPC black aluminium  
Facade - rough coursed gritstone  
with stone quoins and dentils  
Windows - timber in a white finish  
with stone surrounds, lintels and  
sills  
Doors - painted timber with stone  
surrounds



Figure 4: The elevation details and suggested schedule of materials for one of the houses.

Source: Illustration from the design and access statement by Rural Solutions.

- 3.2: These plans are illustrative and alternatives could be considered in any reserved matters scheme if the inspector considers this an appropriate course to take.
- 3.3: The red edged line of the appeal proposal mirrors that of the established housing development on the eastern side of Osbaldeston Lane. This red edged line also reflects the built form either side of the site - at one side there is a dwelling identified as Little Commons and beyond the other abutting boundary to the south lies the Bay Public House and its car park.
- 3.4: The red edged boundaries form a definitive boundary to the development in order to protect the mature planting and trees to the west and in order to ensure a suitable buffer is retained to the established public house, The Bay Horse.
- 3.5: Appropriate landscaping, based on native species, will also help enhance this area of the village. The proposed landscaping principles are documented within the submitted Design and Access Statement.
- 3.6: New hedges are to be provided between the proposed dwellings and additional native planting will also be carried out to promote biodiversity at the site.



- 3.7: The council's countryside officer has not raised any objections to any ecology aspect of the scheme. Indeed, whilst a number of objectors raised concerns in response to the impact of the proposal would have (in their opinion) upon protected species, detailed evidence has been provided by the appellant's ecologist which has allowed the local planning authority to conclude that Great Crested Newts (GCNs) 'would not be a constraint for this development'.
- 3.8: Accesses to the site have been minimised. There are two accesses to the site at present and these will be retained with each being modified to ensure that a 6 metres radius is provided at the entrance points. The Countryside officer has agreed that the existing access points can be widened (as shown on the submitted plans) without impacting upon the root protection areas of the trees situated along the eastern boundary of the site. The Countryside officer is also satisfied that the sections of hedgerows to be removed can be suitably re-established behind the required visibility splay.
- 3.9: A pedestrian access point has been designed into the scheme. This will provide for pedestrian movement (of any new residents as well as established ones) to the bus stop which is sited on the A59 at the front of The Bay Horse. This pedestrian walkway provides for a landscaped buffer to be designed to the front of the proposed houses.



Figure 5: Illustrative layout with overarching landscaping scheme.

Source: design and access statement by Rural Solutions

- 3.10: Overall, the design of the scheme has evolved to ensure that it blends into a rural landscape setting. This is achieved by the provision of a more relaxed

built form which leaves larger gaps between each of the proposed houses and by the provision of new dwellings which respect and maintain the pattern of existing plots which surround the site. The scheme has integrated both the highway and pedestrian accesses into the design process.

3.11: The illustrative design of the houses has been carefully articulated to highlight the fact that the vernacular of the surrounding locality and the character of Osbaldeston as a whole is not undermined. The submitted Design and Access Statement highlights this careful attention to detail which has been taken to ensure that these units are of a scale, design and appearance which is wholly appropriate to the locality and which can enhance the visual appearance of the street scheme in this rural gateway location.

3.12: In terms of the impact of the dwellings on neighbouring established properties, the case officer of the planning application considered that:

With regard to the potential impact upon neighbouring residents, given the separation distances provided the indicative plan shows that four dwellings could be sited on this site without having a detrimental impact upon neighbouring residential amenity by way of overshadowing, loss of daylight or outlook.

3.13: In summary, there are no technical reasons as to why planning permission cannot be granted for development at this site. The primary reasons the local planning authority rely on in their refusal is that that proposal is adjacent to a Tier 2 settlement where any housing development is not allowed, the impact of the development on the landscape and, if allowed, the development would create a harmful precedent.

3.14: Clearly, however, each application/appeal must be determined on its own merits.

## 4. THE DEVELOPMENT PLAN AND THE NATIONAL PLANNING POLICY FRAMEWORK

- 4.1: Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that
- if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.2: The statutory development plan is made up of:
- The Core strategy 2008-2028 (adopted December 2014);
- 4.3: The Housing and Economic Development Plan Document (DPD) is currently being progressed and the examination hearing closed on the 24<sup>th</sup> January 2019.
- 4.4: It is noted that there is no neighbourhood plan being prepared by Osbaldeston Parish.
- 4.5: The council has documented their intention to progress a Local Plan which will replace the existing development plan. The purpose of this Local Plan is to provide the strategic overview for the borough and set out the key policy designations, statement and development management policies. The Local Development Scheme shows that the local plan is due to be adopted in July 2020 however no significant progress seems to have been made to date.
- 4.6: The planning policy context for the planning appeal is identified by the local planning authority in their decision notice as being the Ribble Valley Core Strategy 2008-2028 and the National Planning Policy Framework (NPPF).

### ADOPTED LOCAL PLAN POLICY

- 4.7: The decision notice cites conflict with policies DS1, DS2, DMG1, DMG2, DMG3, DMH3 and EN2 of the Core Strategy.
- 4.8: These planning policies require that the majority of new housing is located in the principal settlements and that in Tier 2 settlements (such as the appeal site) only development that has recognised regeneration benefits, is for identified local needs or satisfies neighbourhood planning legislation, will be considered if it is **small-scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding off of the built up area** (our emphasis).



- 4.9: The Core Strategy advises that 'through this strategy, development opportunities will be created for economic, social and environmental well-being and development for future generations'.
- 4.10: Specific details in Policy DMG1 seek to ensure that all development must be of a high standard of design which is sympathetic to the density, layout and relationship between buildings and the surrounding landscape. It also seeks to ensure that safe access can be provided and that the amenities of the surrounding area are not adversely affected. In terms of the natural environment, the council proposes within this policy to follow the principles of the mitigation hierarchy – these are cited as
- (i) enhancing the environment,
  - (ii) avoiding impact,
  - (iii) minimising impact,
  - (iv) restoring damage and then compensating for damage.

Heritage assets and their setting must also be protected and enhanced.

- 4.11: Policy DMG2 of the Core Strategy seeks that within Tier 2 villages, development could be acceptable **if it meets the social well-being of the area**. Any such development should be in keeping with the landscape by virtue of its size, design, use of materials, landscaping and siting. Development should avoid habitat fragmentation.
- 4.12: The specific wording of policy DMG2 (Strategic Considerations) is set down below. Key wording is highlighted. Comments made on behalf of the appellant are given on certain bullet points of the policy are made underneath the policy criterion and are made in italics for clarity.

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

- I. The development should be essential to the local economy or **social wellbeing of the area**.

*Full evidence is given in both this appeal statement and the planning statement of the social well-being benefits of this scheme. The scheme is an appropriate scale of development for this settlement, in a well-connected location. New residents will bring new vitality to this community, which has failed to grow in a positive way, to continue and enhance the social well-being of the settlement without detriment to the environment. The proposals provide for rural housing in accord with paragraph 78 of the NPPF (which is detailed below in the section on National Planning policy) which seeks to **promote sustainable development in rural areas by located housing where it will enhance or maintain the vitality***

*of rural communities. Development in one village may support services in a village nearby.*

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

*This small scale residential use of the site is appropriate development for the settlement which allows it to grow organically whilst delivering both social and economic benefits to the community and surrounding villages. Policy DSI of the Core Strategy provides for the small scale development in the **smaller settlements that are appropriate for 'rounding off' of the built up area as it recognises that economic, social and environmental well-being and development needs have to be addressed for future generations.***

6. The development is compatible with the enterprise zone designation.

*Samlesbury Enterprise Zone is in close proximity to the application site. The zone forms a centre of excellence for high technology manufacturing, generating benefits for the whole county. Up to 6,000 highly skilled jobs will be created directly, plus a further 5,000 to 7,000 in the local supply chain.*

*The proposed housing will be located in close proximity to the Enterprise Zone (1.8 kilometres (1.1 miles) away) and can support the provision of suitable housing for those skilled workers on the site to live within a vibrant community supporting local facilities and services.*

4.13: Policy DMG3 (Transport and Mobility) states that in making decisions on development proposals the local planning authority will attach considerable weight to:

- the relationship of the site to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development;
- the relationship of the site to the primary route network and the strategic road network;
- the provision made for access to the development by pedestrians and cyclists; and

- provisions which promote development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car.

4.14: With regard to cited policy EN2 (landscaping), the key focus of the policy is on ensuring that the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) is conserved along with its setting. It should be noted that the appeal site is not close to, nor does it impact on, the setting of the AONB. The policy states that the council expects development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and buildings materials.

4.15: Note: the appeal proposal provides illustrative material which takes into account all of these matters.

#### NATIONAL PLANNING POLICY FRAMEWORK

4.16: National planning policy is set out in the NPPF and paragraphs 8, 9, 11, 14, 38, 47, 59, 61, 78, 83, 91, 92, 102, 103, 108, 109, 110, 117, 118, 122, 124, 127, 131, 170 and 175 are particularly relevant.

4.17: Later in this statement, evidence is given to show that additional housing in Osbaldeston can help promote the broader principles of sustainable development in rural areas in accordance with paragraph 9 of the NPPF. It is not intended to repeat that analysis here. Guidance in the NPPG states that 'all settlements can play a role in delivering sustainable development'.

4.18: Paragraph 78 of the NPPF does not require development to be located where there is access to a specific list or level of services; 'housing should be located where it will enhance or maintain the vitality of rural communities'.

4.19: The local facilities available within Osbaldeston Parish include community buildings, a place of worship, a primary school and a public house.

4.20: It is considered that the appeal proposal will contribute to these services and add to the vitality of the rural community being maintained. The NPPG gives guidance for councils in how to consider rural housing policies and states

a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship.

4.21: The above-mentioned facilities are within 200 metres of the appeal site.

4.22: Paragraph 78 (formerly paragraph 55 of the NPPF 2012) also states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby'. The nearby village of Balderstone provides a primary school, a church and a further public house. At nearby Mellor and Ribchester additional day to day services are in evidence.

- 4.23: The Inspector, in her decision<sup>8</sup> on the construction of a house in Brent Pelham, Hertfordshire considered that:

Paragraph 55<sup>9</sup> of the Framework actively promotes housing in rural communities where it would support the local economy, particularly, as in this case, where amenities are shared between clusters of villages such as the Pelham's, Hare Street and Great Hormead. Although the development would add to the level of car dependency within the village, this minor harm is not sufficient to outweigh the benefits of providing an additional dwelling, when considered against policies in the Framework as a whole.

- 4.24: Paragraphs 103 and 108 of the NPPF address objectives around sustainable transport giving people a real choice about how they travel, but recognise that

opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision making (Paragraph 103).

- 4.25: This policy is effectively reiterated within Core Strategy policy DMG3 as highlighted earlier.

#### EMERGING DEVELOPMENT PLAN

- 4.26: The emerging local plan is at an early stage and the local planning authority have not cited any emerging policies in their decision notice and none are highlighted in the officers' report.

#### FIVE YEAR HOUSING LAND SUPPLY

- 4.27: The council advise that they now have a five-year land supply in place. This position, however, includes sites which have not been proven to be deliverable within the five-year period (as required by the NPPF 2018).

- 4.28: This appeal, however, does not seek to focus on this particular issue matter as irrespective of whether there is a five-year land supply or not, the delivery of appropriate sustainable development in rural villages such as Osbaldeston is a key aspiration of the NPPF. This situation is fully evidenced in the planning statement. Furthermore, Core Strategy policy, which allows appropriate housing development in Tier 2 settlements is supportive of housing regardless of the district wide land supply.

---

<sup>8</sup> APP/J1915/W/15/3130591

<sup>9</sup> Now paragraph 78 of the NPPF 2018

## 5. GROUNDS OF APPEAL

- 5.1: There are several key matters which the local planning authority have relied on in the decision notice. These can be summarised as:

That the proposed development would lead to new dwellings in the open countryside without sufficient justification;

That if permitted, the development would cause harm to the development strategy of the district and lead to unsustainable development;

That the proposed dwellings would be highly visible;

That the introduction of built form which would affect the character and appearance of the open countryside;

That the development would be detrimental to the visual amenities of the area; and

That the development would create a harmful precedent for residential development outside the settlement boundaries which would be contrary to the proper planning of the area.

- 5.2: These matters are discussed in the sub-headings below.

That the proposed development would lead to new dwellings in the open countryside without sufficient justification;

- 5.3: The council states in its planning report on this application that the local planning authority accept that the site adjoins the settlement boundary of Osbaldeston. However, they argue that Osbaldeston is designated as a Tier 2 settlement and thus even if the appeal site was within the settlement boundary of Osbaldeston, as this is a Tier 2 settlement, residential development of the site would still be unacceptable and contrary to planning policy.

- 5.4: Both the development strategy of the Core Strategy and the overarching thrust of the NPPF seek to support sustainable development. This means that

planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (paragraph 9 of the NPPF).

- 5.5: It has been fully evidenced as part of this appeal statement and within the Planning Statement that the scheme promotes appropriate rural sustainable development. There is no blanket prohibition of appropriate sustainable development whether that development lies within a Tier 1 or Tier 2 settlement. Each application must be treated on its merits and with regard to

the particular characteristics of the location of the site and the impacts of the proposed development.

- 5.6: Within the Core Strategy for Ribble Valley, policy DSI states that development that has recognised regeneration benefits, is for identified local needs, or satisfies neighbourhood planning legislation, will be considered in all the boroughs. This specifically includes a statement that small-scale development in the smaller settlements that are appropriate for consolidation and expansion or rounding off the built-up area may be acceptable. The justification for this is that the economic, social and environmental well-being and development of future generations will then be met.
- 5.7: The appellants consider that the proposal does meet the policy requirements for new housing in Tier 2 settlements as evidenced in our planning statement and further considered below (and in section 4 of the appeal statement). As such, it is considered that the proposal is development plan compliant and sufficient justification has been provided to demonstrate this.
- 5.8: However, the local planning authority have failed to take the above matters into consideration in their consideration of this scheme. Indeed, full evidence of the sustainability of this proposal was presented as part of the planning application, especially in terms of the social sustainability of the community as a whole. The refusal is despite the fact that policy DMG2 specifically allows for the provision of development which is essential to the local economy or social well-being of the area.
- 5.9: It is disappointing that the local planning authority has not commented or assessed this evidence in its report.

That if permitted, the development would cause harm to the development strategy of the district and lead to unsustainable development;

- 5.10: Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Sustainable development is defined in paragraph 8 and comprises three dimensions: an economic role, a social role and an environmental role. Although the reasons for refusal relates to a matter of principle and to environmental matters, it is considered essential to discuss all through aspects of sustainability as all are closely intertwined.
- 5.11: The social role of sustainable development is defined as:

Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

- 5.12: Demographic characteristics and change experienced by communities are an important influence on vitality. The age profile of a community influences the level and value of demand for different services and the social capacity of that community, including the propensity to provide clubs, activities and events, and the capacity of the community to manage community owned assets.
- 5.13: An overarching social profile is evidenced within the submitted planning statement (Section 4 of the document). In a nutshell, it is considered that new housing as proposed will provide houses to attract new families to aid the retention of services and facilities in the village, especially the local schools both here and in the nearby village of Balderstone.
- 5.14: The following social benefits will enhance and maintain the vitality of the community, as required by paragraph 78 of the NPPF. These benefits will include:
- The creation of housing provision which can be delivered efficiently and quickly, as the site has very few constraints;
  - Housing to meet identified local demand; assisting in building and maintaining a mixed and balanced community that will sustain and enhance the vitality of community line in Osbaldeston and the surrounding cluster of villages;
  - The provision of new homes to be accessed by the housing market locally rather than being forced to move away due to a lack of sustainable available housing – this will help provide a more balanced community for all ages;
  - The provision of new housing is likely to attract younger families and people of working age, who will help to maintain and enhance the future vitality of Osbaldeston by creating new demand for local services; and
  - The construction of a wide range of high-quality homes of high-quality design with green infrastructure that will create a healthy place to live.
- 5.15: It is also evidenced that Osbaldeston has demonstrable vitality.
- 5.16: At paragraph 4.09 and Figure 4.3 of the planning statement, it is evidenced that there are a high number of economically active persons in Osbaldeston. Figure 4.5 further highlights the significant number of residents in Osbaldeston who work from home (26%) in contrast to the district and the region which are 14% and 9% respectively. As such, whilst it is acknowledged that there may be a need to use the private vehicle as a mode of transport, this does not necessarily mean that employment opportunities are limited or far away.
- 5.17: Paragraphs 4.13 and 4.14 evidence the nearby employment opportunities for those choosing not to work at home. Let's also not forget that there is a bus

stop within 150 metres of the site outside the front of The Bay Horse pub which services a bus service providing a direct, short journey along the A59 to nearby towns.

5.18: Economic benefits arising from the proposal will include:

- The provision of housing – the unit sizes proposed will provide a suitable, sustainable choice for the wider market which is deliverable;
- An increase in council tax receipts arising from each new dwelling constructed;
- New Homes Bonus payments;
- Retention, enhancement and growth of existing village facilities;
- An increase in the number of households within Osbaldeston will increase expenditure in the village and wider economy;
- The creation of indirect jobs and economic activity from the increase in the number of homes in this locality;
- New population growth will bring new skills to the locality; and
- The benefits of construction jobs during the development of the site.

5.19: The NPPF is clear:

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.

5.20: Paragraph 103 of the NPPF also states that:

Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

5.21: The NPPF specifically addresses locational sustainability relating to the provision of rural housing. Indeed, it is repeatedly acknowledged by decision takers that the use of private cars will form part of people's travel patterns and that a reliance on the car does not make a development inherently unsustainable.

5.22: The Inspector in a case at Feniton<sup>10</sup> expressed this clearly when he wrote:

---

<sup>10</sup> APP/U1105/A/13/2191905



The future occupiers of the currently proposed housing would be likely, then, to be dependent at least to some extent on the use of a car, so the effect of permitting any of the proposals would be to increase the number of trips made to and from Feniton by private vehicle...It is worth noting that this is also likely to be the case, albeit to varying extent, in most of the district's rural settlements; the NPPF explicitly recognises that development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as is development in urban areas. That is not, of course, reason in itself to focus all new development on the urban areas, because the 'sustainability' of putting development in a particular location is about much more than just the accessibility of that location.

- 5.23: In this instance the opportunity for many journeys to be short, and for longer journeys to include multi-modal methods of transport, also counts in favour of the development.
- 5.24: It is also the case that many of the car-based journeys that will arise from the proposed development will be substitution rather than additional. The 2014 Lyons Housing Review reminded us that 'typically the vast majority of people (72%) move home within a 10 mile radius' (page 5245). Many of these journeys will already be made in other parts of the district. The move to Osbaldeston may be an opportunity for people to move closer to their social networks, places of work or children's school than they do now.
- 5.25: There is nothing in the NPPF that talks of the need to travel by car. The definition of Sustainable Transport Modes in the glossary of the NPPF includes low and ultra-low emission vehicles and car sharing. In accordance with paragraph 105 of the NPPF, the appellants welcome the attachment of a condition requiring a scheme to be provided which incorporates facilities for the charging plug-in and other ultra-low emission vehicles prior to occupation of any of the dwellings. Such a condition can help influence the future behaviour of residents when buying new (to them) cars.
- 5.26: With regard to environmental matters, the site is located adjacent and opposite existing residential properties. It lies to the rear of the Bay Horse public house and its associated car park. Two accesses already exist to the site and the Countryside officer at the council has stated that they have no objections to marginal widening of these accesses to accommodate the proposed scheme. There would be no impacting on the root protection areas of the trees positioned along the eastern boundary of the site. Hedgerows can be suitably re-established behind the required visibility splay.

That the proposed dwellings would be highly visible

- 5.27: As with most housing schemes, the proposed dwelling would of course be highly visible from the public highway directly in front of them. The houses are set back into the site and would be visible from the highway passing it in so far as

the houses at the opposite site of the road are visible. As noted later in this section of the report, the site is bounded by woodland to one side and by built development to the three other sides. The site is simply just not prominent in the landscape.

- 5.28: Furthermore, the scheme is illustrative only. Appearance, scale, layout and landscaping are reserved matters. No details have been presented by the local planning authority as to why new dwellings on the site would be highly visible when the scale and massing of any new unit can be suitably controlled via the planning process. If requested, the appellant can plan for a scale and massing of dwellings which is at a single storey or 1.5 story height.
- 5.29: In any event, just because something is visible it does not make that development unacceptable or harmful. This is especially so in this locality where the site is surrounded on three sides by a variety of built form. Further, mature trees are evidence along the boundaries of the site which mitigate views into the site.
- 5.30: As such, respectfully it is considered that there is no evidence put forward by the local planning authority to articulate why the dwellings would be 'highly visible' on the site and within the community at large.

That the introduction of built form which would affect the character and appearance of the open countryside

- 5.31: The site is located abutting (on three of its boundaries) existing built development which is primarily a number of varying style residential properties.
- 5.32: To the rear of the site (outwith the site) is a dense wooded area which forms a backdrop to the appeal site. As such, it is considered that the appeal site is visually contained and associated with the housing which exists adjacent to it rather than the fields to the west of the site.



Figure 6: The site context showing the visually contained site which takes its character form the existing built form along Osbaldeston Lane. The yellow dot identifies the site. Housing is identified by a blue dot and the existing public house, school and church by black dots.

Source: Google Maps

- 5.33: There is no harmful encroachment into the rural area by this rounding off of the built form in Osbaldeston. The existing mature trees are to be retained, there will be no undue impacts on the tree roots from any works undertaken to the accesses to the site and there will be a net gain in terms of biodiversity at the site.
- 5.34: The local planning authority have agreed that the site has low ecological value with no sign of protected species found. Biodiversity measures are wholeheartedly supported and this allows for the positive growth to take place whilst also ensuring that a net gain for nature for the future can be realised.
- 5.35: In short, there are no issues that have been identified in the Ecological Appraisal submitted by the appellant that would prevent the proposed development proposal proceeding in conformity with planning policy and legislation relating to nature conservation. The proposed development offers significant opportunities to enhance biodiversity in accordance with national and local planning policy.

That the development would be detrimental to the visual amenities of the area

- 5.36: Careful attention to detail has sought to ensure that the proposal creates a sense of place which includes protecting the historic character of the settlement and landscape management. These details have been fully articulated in the

design and access statement. Parts of this statement have been also shown earlier in this appeal statement.

- 5.37: The local planning authority cites conflict with policy EN2 of the Core Strategy but policy EN2 I, primarily about the setting of the Areas of Outstanding Natural Beauty (AONB). The AONB is over 3.2 kilometres away (2 miles) beyond numerous other residential properties. The remainder of the policy seeks to ensure that development reflects the character of the landscaping and its local distinctiveness and the scale, style, features and building materials.
- 5.38: Although in outline, the appeal provides (as part of the illustrated details) a non –standard approach to design which fully recognises and enhances local distinctiveness and historic pattern of the settlement. The scale of the development and its density have been purposefully detailed to ensure that the highest standards of design are followed.
- 5.39: The appellants are happy for the Inspector to attach a condition to any planning permission granted to ensure that any reserved matters application reflects the illustrative design standards articulated within the submitted design and access statement.
- 5.40: In addition to the above points, it is not considered that the proposal is ribbon development which extends the village boundary especially in light of the existing houses opposite and the existing house to the north and the Bay Horse Public House to the south.
- 5.41: Both the planning statement and the design and access statement show that the appeal proposal respects both local and national policies which seek to ensure that development proposals will be expected to be of a high standard of design. In this instance, the proposed layout reflects local distinctiveness and complements the existing pattern of plots and buildings whilst relating well to the volume and shape of the surrounding development (policies DSI, DMG1, DMH3, and EN2).
- 5.42: It is further noted that the officers report state that the appeal development would not result in an unacceptable loss of light, an overbearing impact or an unacceptable loss of privacy.
- 5.43: It has been demonstrated that there are no undue adverse impacts to the rural environment.

That the development would create a harmful precedent for residential development outside the settlement boundaries

- 5.44: Each application must be determined on its own merits. The appeal proposal is on land which is well-located to existing facilities in the settlement. Development here would not create an unwelcome precedent nor undermine the Core Strategy of Ribble Valley.

- 5.45: In essence, the proposal will generate tangible social and economic benefits that enhance the future vitality of Osbaldeston and the wider locality. This will bring positive benefits of a limited, sustainable amount of new housing to the village without creating adverse impact on the rural area and the character and appearance of that area.

## 6. OTHER MATERIAL CONSIDERATIONS

- 6.1: There are no other material considerations which would prevent planning permission being granted.
- 6.2: There are no residual cumulative impacts on transport grounds from this development which are severe (paragraph 109 of the NPPF). The highway authority has raised no objection and recommended conditions be attached to any permission granted.
- 6.3: Car parking provision can be made in accordance with adopted standards and will be a consideration for any the layout details which would be progressed in a future reserved matters application.
- 6.4: There are no issues raised with regard to air quality matters (paragraph 170 of the NPPF).
- 6.5: There are no statutory objections from any consultee to this scheme.

## 7. CONCLUSIONS AND PLANNING BALANCE

7.1: Planning practice guidance published in May 2016 (for councils in how to consider rural housing policies) recognises that:

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities<sup>11</sup>

7.2: Further, the above planning practice guidance states that:

All settlements can play a role in delivering sustainable development in rural areas – and **so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.** (Our emphasis)

7.3: The appeal proposal does not provide isolated homes in the middle of open countryside. Indeed, this particular site is opposite a linear form of existing houses, abuts a house and its curtilage on the northern boundary and abuts an established public house on its southern boundary. As such, it is located within an existing cluster of properties and within sight of the nearby church. The primary school and its associated facilities are next door to the church.

7.4: The appeal proposal provides a pedestrian access via its frontage to allow new and existing residents to safety access (via a direct route) the bus stop which already exists at the front of the public house.

7.5: Sustainable development is the fundamental principle guiding the planning process and the NPPF spells out the three dimensions of sustainable development: economic, social and environmental. The Inspector of the Buntingford Parish Plan advised that Paragraph 10 of the NPPF (of the NPPF 2012) highlights that local circumstances vary greatly and influence the way in which contributions to sustainable development can be made<sup>12</sup>.

7.6: Paragraph 9 of the NPPF 2018 also advises that

Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

---

<sup>11</sup> Rural housing – [www.gov.uk](http://www.gov.uk) published 19th May 2016

<sup>12</sup> Buntingford Community Area Neighbourhood Plan 2014-2031 – The Report by the Independent Examiner Richard High – 8th November 2016.

7.7: Policy DSI (development strategy)<sup>13</sup> is a policy which allows specific types of development and where new residential development is considered unacceptable in Tier 2 village settlements whether they are sustainable or not. Note the officers report specifically states that

The LPA accept that the site adjoins the settlement boundary of Osbaldeston however Osbaldeston is designated as a Tier 2 settlement and thus even if the application site was within the settlement boundary of Osbaldeston being a Tier 2 settlement), residential development of the site would still be contrary to Key Statements DSI and DS2 and policy DMG2.

7.8: This statement is clearly contrary to the NPPF and national guidance as well as local planning policy which allows small-scale development in Tier 2 settlements in principle to 'round off' the built up area if the scheme has recognised regeneration benefits, is for identified local needs or satisfies neighbourhood planning legislation. Clearly, any development proposal must be in an appropriate location in the settlement and in keeping with the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

7.9: It is noted that the Core Strategy has no mechanism to bring forward Neighbourhood Plans, or any guarantee that such plans will come forward in a timely manner. Osbaldeston has not indicated an intention to engage in neighbourhood planning. Therefore, the appellants have no opportunities to engage in this local process.

7.10: Policy DSI of the Ribble Valley Core Strategy informs that development opportunities will be created for economic, social and environmental well-being and development for future generations. Policy DMG2 of the Core Strategy also advises that the social well-being of the area should be taken into consideration in any determination.

7.11: In essence, every planning application should be considered on its merits. The appeal scheme is not seeking to undermine the development strategy of the district, it is seeking to provide appropriate rural housing close to existing facilities and dwellings and which is in a location which can provide a real opportunity to access public transport as an alternative to using the car.

7.12: In determining an appeal at The Green Osbaldeston Lane<sup>14</sup> which is a site over 1250 metres away from the public house along a narrow lane, the Inspector in that case stated that:

The appellant has not demonstrated any social benefits of the scheme in terms of providing a high-quality built environment, with accessible local services that reflect the needs and support is health, social and cultural well-being.

---

<sup>13</sup> Ribble Valley Core Strategy

<sup>14</sup> APP/T2350/W/15/3084331



- 7.13: As already identified, the development is policy compliant as provides significant social benefits which will enhance and maintain the vitality of the community, as required by paragraph 78 of the NPPF. These benefits have already been summarised in section 5, paragraph 5.11 of this appeal statement. These include the fact that housing on this site can assist in building and maintaining a mixed and balanced community that will sustain and enhance the vitality of the Osbaldeston and the surrounding cluster of villages.
- 7.14: In accordance with paragraph 83 of the NPPF, it is considered that the development will support a prosperous economy by helping retain and develop local services and community facilities in Osbaldeston, its immediate environment and the surrounding cluster of villages (including Balderstone).
- 7.15: The location of the site, and its position in close proximity to services and facilities in the village itself and the cluster of nearby villages, will ensure that new residents provide economic support for the vitality and viability of business and service providers in this wider local area. This, in turn, will help to support the health, social and cultural well-being of the village.
- 7.16: Economic benefits arising from the proposal have already been summarised at in section 5, paragraph 5.15. These benefits include the fact that the proposed housing can help retain, enhance and grow existing village facilities for Osbaldeston and the surrounding villages
- 7.17: Paragraph 9 of the NPPF informs that local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made. Taking into account the requirement of paragraph 9 and the overarching themes of the Framework to provide a supply of housing required to meet the needs of present and future generations, this particular site in Osbaldeston is demonstrated to be in a location within the rural settlement where it is appropriate to accommodate new housing development. Sustainable development is about positive growth.
- 7.18: This appeal statement, along with the planning statement, ecology study, and the design and access details, provide robust evidence that the proposed development in the manner proposed is indeed sustainable (as defined under paragraph 9 of the NPPF).
- 7.19: The proposals (although illustrative only at this stage) highlight that development on this site will be well designed and reflect the local vernacular (DMG1, DMG2 and EN2 of the Ribble Valley Core Strategy).
- 7.20: The appeal proposals take account of nearby heritage assets and have been designed to ensure that the historic environment is conserved. As such, the proposals fulfil the duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and are in conformity with extant Local Plan Policies.

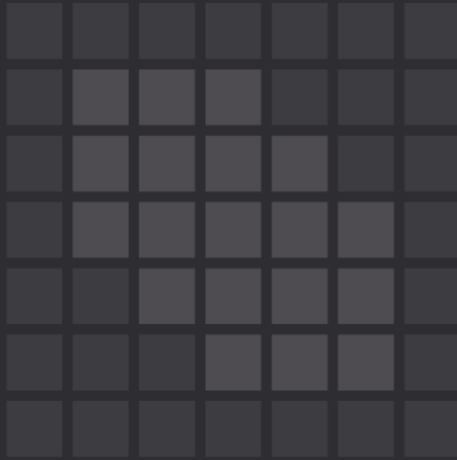
- 7.21: The appeal shows that the natural environment will be conserved and will be enhanced. The ecology assessment demonstrates that no protected species will be impacted. It also, along with the design and access statement highlights that the proposed development will conserve and enhance the biodiversity of the locality by integrating green infrastructure through the site.
- 7.22: Essentially, there are no issues which have been identified that would prevent the proposed development proceeding in conformity with national or local planning policy and legislation relating to landscaping character and nature conservation (policies DMG1, DMG2 and EN2) and the principles of the NPPF. The council's countryside officer has raised no objections to the scheme.
- 7.23: The appeal scheme ensures that the environmental benefits of the scheme protects and enhances the natural built and historic environment. This is achieved by the promotion of biodiversity, the well-designed nature of the buildings and the illustrative layout which is promoted.
- 7.24: The carefully considered development ensures that there is no undue impact on the village landscape, especially since the proposed built form is essentially within the village built form, being adjacent to an existing dwelling and an established public house and car park and opposite an existing linear form of housing.
- 7.25: Overall, it is considered that the appeal development fully reflects the requirements of the NPPF 2018 in helping to provide suitable housing development of an appropriate scale in this rural locality. The appeal also follows the policies of the Core Strategy of Ribble Valley in that it is a well-located small-scale development which can aid the social well-being of the settlement without detriment to the rural environment.
- 7.26: As such, it is our considered opinion that the development proposal is policy compliant.
- 7.27: New housing will generate tangible social and economic benefits that will enhance future vitality of both this village and the wider locality.
- 7.28: As already stated earlier in this appeal statement, the officer's report confirms that 'four dwellings of some kind could be accommodated on this site without having a detrimental impact on neighbouring amenity'.
- 7.29: It is considered that the appeal proposal would not create any undue environmental harm, but they recognise and appropriately respect the intrinsic character of Osbaldeston whilst helping support the thriving rural community within it.
- 7.30: With reference to planning policy and other material considerations, there are no significant and demonstrable adverse impacts that would arise from the proposed development. The 'planning balance' is therefore weighed positively in weight of the proposal with reference to the benefits summarised above and set

out within this Planning Statement. It is respectfully requested that the appeal be allowed.

Disclaimer: The information, analysis and recommendations within this document are made by Rural Solutions Limited in good faith and represent our professional judgement on the basis of the information obtained from others. No statement made within this document may be deemed in any circumstance to be a representation, undertaking or warranty and we cannot accept any liability should you rely on such statements or such statements prove to be inaccurate. In particular the achievement of particular goals depends on parties and factors outside our control. Any illustrations and otherwise in this report are only intended to illustrate particular points of argument.

This document and its contents are confidential and will remain confidential until we waive confidentiality, or the document is published by a Local Planning Authority.

Copyright © Rural Solutions Limited March 19  
Any unauthorised reproduction or usage is strictly prohibited.



WE ARE RURAL