

APPEAL STATEMENT

LAND AND OUTBUILDINGS AT OAKHAVEN, CLAYTON-LE-DALE
IAN AND WENDY JOHNSON



Rural Solutions

APPEAL STATEMENT

LOCATION

LAND AND OUTBUILDINGS AT OAKHAVEN,
CLAYTON-LE-DALE

APPEAL PROPOSAL

CONSTRUCTION OF THREE DWELLINGS

APPELLANT

IAN AND WENDY JOHNSON

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I. INTRODUCTION

I.1: This appeal is submitted against the refusal of planning permission by Ribble Valley Borough Council for the construction of three dwellings on land at Clayton-le-Dale, BBI 9DP. The outline planning application was submitted and registered to the Council on the 17th June 2019 and was accompanied by illustrative plans identifying three properties 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 2nd August 2019 for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and DMI2 and Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy and paragraph 79 of the NPPF by reason of its location and degree of separation from existing settlements, services and facilities which would lead to the creation of isolated new dwellings in the open countryside without sufficient justification and would result in harm to the development strategy for the borough, placing further reliance on the private motor-vehicle contrary to the presumption in favour of sustainable development.
2. The proposed residential development (including associated private gardens and domestic paraphernalia such as sheds, washing lines, children's play equipment and fence lines) would, by virtue of its appearance and siting, be an incongruous and discordant form of development that would be of significant detriment to the visual amenities and character of the area contrary to Core Strategy Key Statement EN2 and policies DMG1, DMG2 and DMH3.
3. In the absence in the application of satisfactory details relating to the provision of the visibility splays at the site access onto Showley Road (C542) and whether or not these are deliverable over land within the applicants ownership the proposed development could be detrimental to highway safety contrary Policy DMG1 and DMG3 of the Ribble Valley Core Strategy due to the increase and change in nature of vehicular traffic arising from the proposed development.

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 are no drainage matters which would prohibit planning permission being granted.
- The site is located within flood zone 1 (at the lowest risk of flooding).
- There are no known heritage assets within the site.
- The indicative plans show that three dwellings could be located on this site without having a detrimental impact on neighbouring residential amenity by way of overshadowing, loss of daylight or outlook.
- The site has a low ecological value with no signs of protected species found.

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 Clayton-le-Dale 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 extent of the existing built form on the appeal site is identified with a red circle.

Source: Google Maps



Figure 2: The overall context 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 1¹. 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. A species of poor hedgerow currently exists around the various boundaries of the site. Trees also exist along the access route to the rear of Oakhaven – these trees range in maturity but do not include any ancient or veteran specimens². An arboricultural report, constraints map and ecological appraisal have been provided as part of the consideration of this appeal.
- 2.6: Across from the appeal site lie houses in a various style. Residential properties and former farm structures also lie to the south east of the appeal site. The

¹ Environment Agency website

² Ecological Appraisal of the site by Naturally Wild

residential development along Showley 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 Showley Fold Farmhouse and disused house adjoining to the west which has a Grade 2 listing. There are no designated heritage assets, such as listed buildings or scheduled monuments, within the site boundary.
- 2.8: Neither the building nor its setting is impacted by the appeal development. 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 I settlement³ with a population of 2,4674 is located 5.3 kilometres (3.3 miles) to the south/southwest of Clayton le Dale along the A59. To the west, along the A59 and the A677 lies the City of Preston which is 15.6 kilometres (9.7 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 7 kilometres (4.4 miles) to the south of Clayton le Dale.
- 2.10: The Tier I villages of Mellor and Mellor Brook provide local services to Clayton le Dale and the cluster of villages in this locality. Each distinct village has, however, some facilities which support local services. Clayton le Dale itself has a public house (the Bonny Inn), an Italian restaurant (formerly the Royal Oak), and is within 1 mile of other public houses / eateries (Park Gate Inn, Bulls Head and the Rising Sun), contains Salesbury Memorial Hall which has grass pitches, a sports hall and tennis courts. Services such as the 24-hour veterinary and the foot clinic are also available in Clayton le Dale. Primary schools are located within Salesbury which is 1.1 kilometres (0.7 miles) to the east and at Osbaldeston which is 3.3 kilometres (2.1 miles) to the south west.
- 2.11: The appeal site 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. Please refer to Figure 3 overleaf.

³ Ribble Valley Core Strategy

⁴ 2011 ONS Census

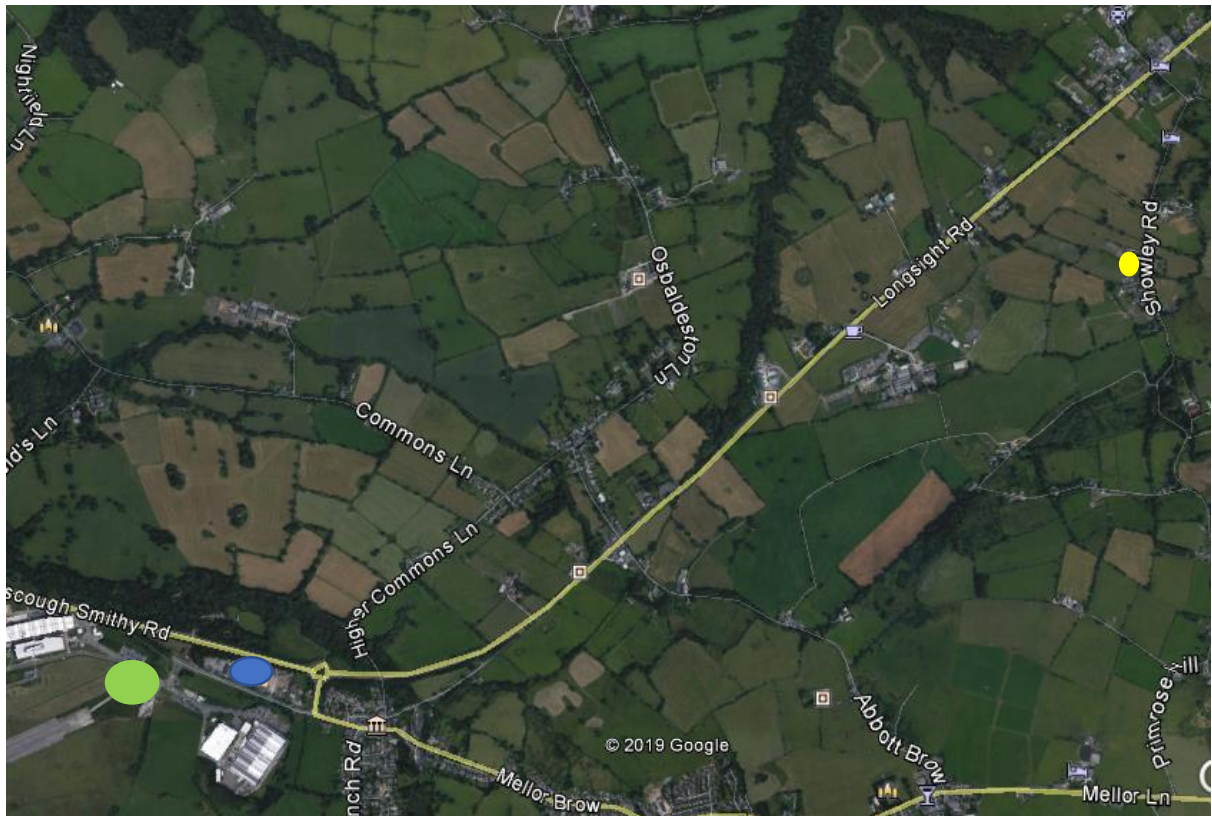


Figure 3: The context of the site and its close relationship to significant employment hosting sites at Mellor Brook and BAE Samlesbury which lies to the south of Myerscough Smithy Road. The appeal site is highlighted by a yellow dot. Daniel Thwaites PLC headquarters building is identified in blue. BAE Samlesbury is identified with a green dot.

Source: Google Maps

- 2.12: The provision of housing in this well-located Brownfield site in this rural area is supported by paragraph 78 of the NPPF.
- 2.13: Indeed, in the determination of a planning appeal for a dwelling at Brent Pelham⁵ the Inspector in 2015 identified the Pelhams, Hare Street and Great Hormead as a cluster of villages where amenities are shared.
- 2.14: More recently, in November 2017 the Inspector⁶ 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

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

⁶ Appeal reference: APP/J1015/W/17/3178674- Land at Owlitts Cottages, Brent Pelham

economy, particularly in cases where amenities are shared between local villages such as is the case here.

- 2.15: Paragraph 78 of the NPPF 2019 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’.
- 2.16: 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

- 2.17: Within Ribble Valley District, the most recent publicised monitoring report (publicised November 2019) informs that there were only thirteen houses constructed in the previous eleven years (from 1st April 2008 to 30th September 2019).
- 2.18: There is no history of housing development on the appeal parcel of land.
- 2.19: The appeal site is Brownfield land with a large building sitting on it which is established as an equestrian facility / stables. Originally this building was used for mink breeding / farming. A residential garage also sited on the appeal land.
- 2.20: When considering the application proposal, the planning officers report seeks to dismiss the fact that the land is established as a Brownfield site wherein a large building and hardstanding area already exist. Further evidence of the equestrian / Brownfield use is shown by the existence of an established ménage which is sited behind (to the west) of the equestrian buildings.
- 2.21: Currently access to the equestrian facility for those using the space for their horses runs directly from Showley Road along the access road which exists at the side of the existing residential dwelling at Oakhaven. The appeal proposal seeks to upgrade and reuse this access.
- 2.22: The appellants submitted a pre-application to the Local Planning Authority for housing development on the site. Officers advised that general housing development would not be acceptable, but the site could be re-developed for leisure purposes / tourist accommodation.

3. THE APPEAL PROPOSAL

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



Figure 4: The elevation details and suggested schedule of materials for each 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 scheme ensures that the housing falls within the area of the existing buildings on the site and its associated operational land which comprises large areas of hardstanding.
- 3.4: Appropriate landscaping, based on native species, will help enhance this area of Showley Road. The proposed landscaping principles are documented within the submitted Design and Access Statement. 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.
- 3.5: The council's countryside officer has not raised any objections to any ecology or landscaping aspect of the scheme.
- 3.6: Accesses to the site have been minimised to that which already existing to serve the existing residential property of Oakhaven, and which also services the equestrian use at the site.
- 3.7: Whilst there are mature trees within the appeal site, the application and now this appeal is supported by an Arboricultural Impact Assessment (AIA). Two category C trees would have to be removed if the illustrative layout as currently suggested were to be brought forward in an y Reserved Matters application,

but it is noted by the officer in his report that these trees are considered to be of 'low quality and value'.

- 3.8: An additional tree and a small part of hedgerow may also have to be removed but officers consider this acceptable providing suitable replacement planning is provided.
- 3.9: Overall, the design of the scheme has evolved to ensure that it blends into a rural landscape setting. A landscape appraisal accompanies this appeal statement to evidence the fact that there are no undue impacts created in the rural environment by the proposed development.
- 3.10: 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 this area of Showley Road 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 rural locality. Again, the submitted landscape assessment evidences that the visual appearance of the locality is not compromised by the proposed development. This evidence is comprehensive and looks at numerous viewpoints from the surrounding area.
- 3.11: 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.
- 3.12: 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.
- 3.13: 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: It is noted that there is no neighbourhood plan being prepared by Clayton -Le-Dale Parish.
- 4.4: 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 district 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.
- 4.5: 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

- 4.6: The decision notice cites conflict with policies DS1, DS2, DM12, DMG1, DMG2, DMG3, DMH3 and EN2 of the Core Strategy.
- 4.7: These planning policies require that the majority of new housing is located in the principal settlements and that in other settlement and rural sites (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.
- 4.8: 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'.
- 4.9: 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.

4.10: Policy DMG2 of the Core Strategy seeks that within Tier 2 villages and outside defined settlement areas, 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.

4.11: 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:

1. 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 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 this Brownfield site delivers 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 (3 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.***

- 4.12: 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.

- 4.13: 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.

- 4.14: Note: the appeal proposal provides illustrative material which considers all of these matters. It is also supported by a comprehensive landscape assessment which provides robust evidence that the proposed new houses on this Brownfield site would not undermine the character of the countryside or local distinctiveness,

NATIONAL PLANNING POLICY FRAMEWORK

- 4.15: 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.
- 4.16: Later in this statement, evidence is given to show that additional housing in Clayton-le-Dale 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'.
- 4.17: Paragraph 78 of the NPPF does not require development to be located where there is access to a specific list or level of services; it states that 'housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.18: Earlier in this appeal statement evidence has been given that there are local facilities and services available within Clayton-le-Dale parish. There are also services / facilities in the nearby communities.
- 4.19: It is considered that the appeal proposal will contribute to these services and add to the vitality of the rural community of Clayton-le-Dale and its surrounding communities 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.

- 4.20: The Local Planning Authority cite paragraph 79 in their decision notice. They argue that 'the proposed development would also conflict with paragraph 79 of the Framework (isolated homes in the countryside). However, this is not the case / argument. The appellant however firmly considers and fully evidenced, that the redevelopment of this Brownfield site should be considered in terms of paragraph 78 of the NPPF.
- 4.21: Indeed, 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. The nearby village of

Osbaldeston also has a place of worship and a primary school. At nearby Mellor and Ribchester additional day to day services are in evidence.

- 4.22: 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).

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

EMERGING DEVELOPMENT PLAN

- 4.24: 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

- 4.25: 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).

- 4.26: 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, small-scale sustainable housing development on this Brownfield site is a key aspiration of the NPPF which seeks to provide for enhance and maintain vitality of rural communities.

- 4.27: The recent High Court decision by Mrs Justice Lang (C0/1470/2019) between Wokingham Borough Council and the Secretary of State of Housing, Communities and Local Government for a scheme of up to 55 dwellings, with landscaping and access and 1.56 ha of Suitable Alternative Natural Greenspace (SANG)⁷ states that

In principle, an Inspector is entitled to have regard to the area's housing needs and housing land supply beyond the five year minimum requirement, as significantly boosting the supply of a sufficient number and a variety of homes is a key policy objective of the Framework (paragraph 59 and 8b).

- 4.28: In the above case, the Court considered that the Inspector was correct in his decision-making when he opined that;

It is important to look at the underlying aims of those policies [housing policies] in deciding the weight to be given to the conflict with them. The

⁷ Residential development on land at Parklands, east of Basingstoke Road, Spencer's Wood, Wokingham.

aims are to protect the identities of separate settlements, to maintain the quality of the environment and to located development where there is good accessibility to services and facilities.

4.29: The Inspector further opined,

For the reasons given above, the proposal would maintain the separation of the settlements and their sperate identities

and that

although there would be limited harm to the character and appearance of the area, the SANG would be designed to maintain the quality of the environment. For these reasons the proposal would be in accordance with the underlying aims of the policies to a significant extent.

4.30: The appellant considers that the small-scale redevelopment of existing Brownfield land which already has a substantial built form on it, is acceptable in principle. Evidence has been provided to show that, in this particular instance, there is no harm to the landscape or the AONB.

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.

That the proposed dwellings would place reliance on the private motor car contrary to the presumption in favour of sustainable development.

That the proposed residential development would by virtue of its appearance and siting would be an incongruous and discordant form of development.

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

That the development could be detrimental to highway safety due to the increase and change in nature of vehicular traffic. 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.

- 5.2: The council states in its planning report on this application that the local planning authority advise that they have a 5-year supply of land (5.07 years supply). However, it is considered that relevant evidence from the recent High Court decision for housing development in Wokingham⁸ that an Inspector:

is entitled to have regard to the area's housing needs and housing supply beyond the five-year minimum requirement, as significantly boosting the supply of a sufficient number and variety of home is a key policy objective of the Framework (paragraph 59 and 8b).

- 5.3: Further Mrs Justice Lang found that

the Inspector was clearly aware that the Council has a 6.83 years supply of housing, which was in excess of the minimum five-year requirement in the Framework. At DL53, he found that part of the supply was achieved by using land outside the development limits.

- 5.4: In the Wokingham case, it is clear that the aims of the housing policies were to 'protect the identities of separate settlements and to maintain the quality of

⁸ CO/1470/2019

the environment'. This appeal case provides evidence via a landscaping assessment, ecology appraisal and tree reports that the proposal will not undermine the quality of the landscape and overall environment. This is a Brownfield parcel of land with a substantial built form already on it.

- 5.5: 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).

- 5.6: 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. 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.

- 5.7: 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. The justification for this is that the economic, social and environmental well-being and development of future generations will then be met (our emphasis).

- 5.8: Evidence of the sustainability of providing housing on this Brownfield parcel of land and how it will regenerate it and help the social vibrancy of Clayton-le-Dale and the surrounding villages was presented as part of the planning application, especially in terms of the social sustainability of the community as a whole. It is disappointing that the local planning authority has not commented or assessed this evidence in their planning report.

That if permitted, the development would cause harm to the development strategy of the district.

- 5.9: 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.
- 5.10: 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 in the nearby villages of Balderstone and Osbaldeston.
- 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 Clayton-le-Dale 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 Clayton-le-Dale 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 Clayton-le-Dale has demonstrable vitality.
- 5.16: At paragraph 4.8 and Figure 4.9 of the planning statement, it is evidenced that there are a high number of economically active persons in Clayton-le-Dale. Figure 4.5 further highlights the significant number of residents in Clayton-le-

Dale who work from home (19%) 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: Paragraph 4.13 evidences the nearby employment opportunities for those choosing not to work at home.

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 Clayton-Le-Dale 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.

That the proposed dwellings would place reliance on the private motor car contrary to the presumption in favour of sustainable development

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 Feniton⁹ expressed this clearly when he wrote:

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 Clayton-le-Dale 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.

5.26: 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.

5.27: Such a condition could be worded:

Full details of measures to provide for electric vehicle charging facilities for each dwelling hereby permitted shall form part of any reserved matters application (on layout and external appearance matters). The approved details shall be installed prior to the occupation of the dwelling.

⁹ APP/UI105/A/13/2191905

5.28: With regard to environmental matters, the site is located adjacent to the residential house known as Oakhaven and opposite existing residential properties. It lies to the rear of the appeal site lies a ménage. Access to the site already exists and the Local Planning Authority has raised no objections to marginal widening of this access to accommodate access to the proposed scheme.

5.29: The widening of the access will necessitate a degree of ground works within the root protection areas of the existing driveway tress but the Local Planning Authority considers that the works can be suitably delivered subject to a condition with regard to submission of an Arboricultural Method Statement. Hedgerows can be suitably re-established behind the required visibility splay.

That the proposed residential development would by virtue of its appearance and siting would be an incongruous and discordant form of development.

5.30: The appeal site is located adjacent to Oakhaven. A large structure is already evident on the site and beyond the site is a ménage area. The proposed houses are set back into the site primarily in an area where the existing building stands and where the extensive hardstanding areas are. The development would be visible in part from the highway passing it, but this visibility is read in the context of development adjacent to the site.

5.31: A comprehensive landscaping assessment has been undertaken which looks at the site from a wide range of surrounding vista. This assessment evidences that the appeal site is simply just not prominent in the landscape.

5.32: 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 to replace the existing building with a scale and massing of dwellings which is at a single storey or 1.5 story height.

5.33: 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 appeal site already has an extensive built form on it and has residential development adjacent to it as well as extensive built form visible along Showley Road. Further, mature trees and hedgerows are evident on the site. The submitted tree reports evidences that although two category C trees will be removed along with a section of hedge 1, tree cover will remain at the site which mitigate views into the site.

5.34: The planning case officer has advised that suitable replacement planting would be required, and the appellants agree that within a reserved matters application, a comprehensive planting scheme would be brought forward.

- 5.35: 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 by virtue of their appearance and siting an incongruous and discordant form of development.



Figure 5: Photograph of part of the existing development at the site.

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

- 5.36: The appeal scheme is evidenced by a landscaping assessment which provides evidence that the visual amenities of the area would not be undermined by the regeneration of the existing building and its associated hardstanding by new houses which are designed to fit within this rural location. This is shown in figures 6 and 7 below and overleaf.



Figure 6: View from Public Right of Way (3-25-FP 15) looking north towards Appeal Site.

Source: Landscape Assessment by Rural Solutions.



Figure 7: View from PRoW (3-25-FP 15) looking north towards Appeal Site.

Source: Landscape Assessment by Rural Solutions.

That the development could be detrimental to highway safety due to the increase and change in nature of vehicular traffic.

- 5.37: The existing site has an established equestrian use which can accommodate numerous animals. It also has a ménage facility to the rear. This existing development can generate significant traffic comprising a mix of cars and other vehicles pulling with horse trailers. The use of the site is not controlled by any limitations on numbers of vehicles visiting the site and ménage facility. The facility is open for those wishing to use them seven days a week.
- 5.38: It is considered that the proposed three houses will generate less traffic to and from the site. Sufficient parking is provided on the site for each proposed property.
- 5.39: It is proposed to widen the access in order to maximise highway safety for any residential development. Hedgerows will continue to be maintained to appropriate heights to ensure that sightlines are maximised.
- 5.40: Overall, the proposal will decrease the amount and vehicular traffic to the site. It will ensure that larger vehicles with trailers will not be blocking the lane whilst manoeuvring into the facilities. The vehicular traffic from any residential use will be able to utilise a better / wider access to the site.
- 5.41: There are no residual cumulative impacts on transport grounds from this development which are severe (paragraph 109 of the NPPF).

6. OTHER MATERIAL CONSIDERATIONS

- 6.1: Each application must be determined on its own merits. The appeal proposal is on Brownfield land which is well-located to existing facilities in this cluster of villages. Redevelopment of the existing equestrian facilities would not create an unwelcome precedent nor undermine the Core Strategy of Ribble Valley.
- 6.2: The proposal will generate tangible social and economic benefits that enhance the future vitality of Clayton-le-Dale and the wider locality. This will bring positive benefits of a limited, sustainable amount of new housing to Showley Road without creating adverse impact on the rural area and the character and appearance of that area.
- 6.3: There are no other material considerations which would prevent planning permission being granted.
- 6.4: 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.
- 6.5: There are no issues raised with regard to air quality matters (paragraph 170 of the NPPF).
- 6.6: The site has low ecological value with no sign of protected species found. Biodiversity measures are supported and will be brought forward as part of a comprehensive strategy in any Reserved Matters application. This allows for the positive growth to take place whilst also ensuring that a net gain for nature for the future can be realised.
- 6.7: 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.
- 6.8: 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 facilities¹⁰

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. This is a Brownfield site adjacent to existing residential properties (both abutting and on the other side of Showley Road). As such, it is located within an existing cluster of properties.

7.4: 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. Paragraph 9 of the NPPF 2019 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.

7.5: Policy DSI (development strategy)¹¹ is a policy which allows specific types of development and where new residential development is considered unacceptable in Tier 2 village settlements and the open countryside whether they are sustainable or not.

7.6: The NPPF and national guidance allows small-scale development 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.

¹⁰ Rural housing – www.gov.uk published 19th May 2016

¹¹ Ribble Valley Core Strategy

- 7.7: 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. Clayton-le-Dale has not indicated an intention to engage in neighbourhood planning. Therefore, the appellants have no opportunities to engage in this local process.
- 7.8: 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.
- 7.9: 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 on a Brownfield site with substantial built form on it at the moment.
- 7.10: As already identified, the development takes account of paragraph 78 of the NPPF in that it would provide social benefits which will enhance and maintain the vitality of the community. These benefits have already been summarised in section 5 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 Clayton-le-Dale and the surrounding cluster of villages.
- 7.11: 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 Clayton-le-Dale, its immediate environment and the surrounding cluster of villages (including Balderstone).
- 7.12: 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.
- 7.13: Economic benefits arising from the proposal have already been summarised at in section 5. These benefits include the fact that the proposed housing can help retain, enhance and grow existing village facilities for Clayton-le-Dale and the surrounding villages
- 7.14: 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 Brownfield site which already has built form on it, 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.

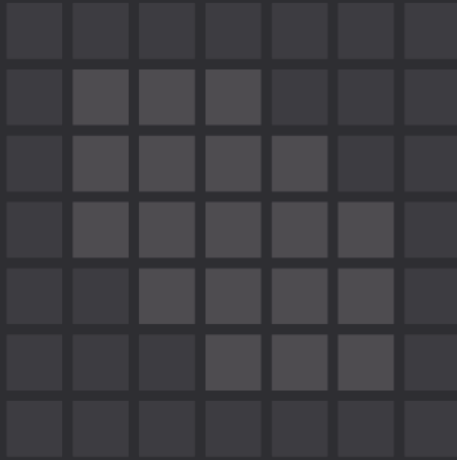
- 7.15: This appeal statement, along with the planning statement, landscape assessment, ecology study, and the design and access details, provide evidence that the proposed development in the manner proposed is indeed sustainable (as defined under paragraph 9 of the NPPF).
- 7.16: The proposals (although 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).
- 7.17: 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.
- 7.18: 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.
- 7.19: Essentially, there are no issues which have been identified that would prevent the proposed development proceeding in conformity with the aims of 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.
- 7.20: 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.
- 7.21: Overall, it is considered that the appeal development fully reflects the requirements of the NPPF 2019 in helping to provide suitable housing development of an appropriate scale in this rural locality. The appeal also follows the aims of 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. This latter statement is proven by the robust evidence contained in the landscape assessment.
- 7.22: As such, it is our considered opinion that the development proposal to replace the existing extensive building and hardstanding on the site with up to three houses fulfils the aims of national and local planning policies in helping to deliver well-designed homes.

- 7.23: New housing will generate tangible social and economic benefits that will enhance future vitality of both this village and the wider locality.
- 7.24: The officer's report confirms that 'the site would be able to accommodate three new dwellings without harm to the residential amenity of the existing occupants of Oakhaven'.
- 7.25: It is considered that the appeal proposal would not create any undue environmental harm, but they recognise and appropriately respect the intrinsic character of the locality whilst helping support the thriving rural community within it.
- 7.26: 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.

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