



Land at The Warren Warren Fold Hurst Green

Appeal under Section 78 of the Town and Country Planning Act 1990 against the refusal of Stage 1 Permission in Principle for the erection of a minimum of 1 and a maximum of 3 dwellings (LPA Ref: 3/2026/0260)

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Contents

/1	Introduction.....	5
1.1.	<i>Appeal Background and Context</i>	<i>5</i>
1.2.	<i>Scope of Permission in Principle Assessment</i>	<i>6</i>
1.3.	<i>Summary of Grounds of Appeal</i>	<i>6</i>
/2	Site Description and Surrounding Context	8
2.1.	<i>Site Location and Physical Character.....</i>	<i>8</i>
2.2.	<i>Visual Containment and Spatial Integration ("Rounding Off")</i>	<i>8</i>
2.3.	<i>Settlement Hierarchy and Surrounding Infrastructure.....</i>	<i>9</i>
2.4.	<i>Local Services and Public Transport Provision.....</i>	<i>9</i>
/3	Relevant Planning History and Recent Precedents	11
3.1.	<i>Site-Specific Planning History.....</i>	<i>11</i>
3.2.	<i>Distinguishing the 2014 Appeal Decision (Ref: APP/T2350/A/14/2221778).....</i>	<i>12</i>
3.3.	<i>Technical Confirmations from Statutory Consultees</i>	<i>13</i>
3.4.	<i>The 2026 Planning Inspectorate Precedents in Ribble Valley</i>	<i>13</i>
/4	Proposed Development and Permission in Principle Scope.....	16
4.1.	<i>Principle and Quantum of Development.....</i>	<i>16</i>
4.2.	<i>Legislative Framework and Statutory Scope of Assessment</i>	<i>16</i>
4.3.	<i>Explicit Exclusion of Technical Matters at Stage 1.....</i>	<i>17</i>
4.4.	<i>Access Corridor and Physical Infrastructure</i>	<i>18</i>
/5	Planning Policy Context	19
5.1.	<i>The Statutory Development Plan Context.....</i>	<i>19</i>
5.2.	<i>The Material Housing Supply Deficit and Out-of-Date Policies.....</i>	<i>20</i>
5.3.	<i>Legal Mechanics: Bypassing NPPF Paragraph 11(d)(i).....</i>	<i>20</i>
/6	Detailed Planning Policy Assessment & Rebuttal of Refusal Reasons.....	23
6.1.	<i>The Framework for Assessment: The Engaged Tilted Balance.....</i>	<i>23</i>
6.2.	<i>Location & Rebuttal of Reason for Refusal 1 (Transport & Sustainability).....</i>	<i>23</i>
6.3.	<i>Land Use, Spatial Integration & Rounding Off.....</i>	<i>26</i>
6.4.	<i>Amount of Development & Rebuttal of Reason for Reason 2 (Landscape & Openness).....</i>	<i>26</i>
6.5.	<i>The Overall Planning Balance (NPPF Paragraph 11(d)(ii)).....</i>	<i>28</i>
/7	Conclusions.....	30
7.1.	<i>Summary of Strategic Circumstances.....</i>	<i>30</i>
7.2.	<i>Consideration of LPA objections</i>	<i>30</i>

7.3. *Appeal Request*.....32

Appendix A: Proof of Application Submission Email.....33

Appendix B: Ribchester Permission in Principle Appeal Decision34

Appendix C: Langho Inquiry Appeal Decision35

Appendix D: Chatburn Old Road Appeal Decision36

Appendix E: Stretton Close AONB Appeal Decision37

/1 Introduction

1.1. Appeal Background and Context

- 1.1.1. PWA Planning has been retained by OCBS Ltd ('the Appellant') to progress an appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) against the decision of Ribble Valley Borough Council ('the Local Planning Authority' / 'the LPA') to refuse Stage 1 Permission in Principle (PiP) for the erection of a minimum of 1 and a maximum of 3 residential dwellings on land at The Warren, Warren Fold, Hurst Green, BB7 9QH ('the appeal site').
- 1.1.2. The original planning application (LPA Ref: 3/2026/0260) was formally submitted to Ribble Valley Borough Council on 31st March 2026 (supported by proof of electronic submission provided at Appendix A), prior to being validated on 22nd April 2026. Importantly, because the planning application was made prior to 1st April 2026, this appeal properly proceeds under Part 2 (Standard Written Representations Procedure) of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (as amended by SI 2026 No. 122).
- 1.1.3. The application was subsequently refused by notice dated 21st May 2026, setting out two reasons for refusal:

Reason 1 (Sustainability and Transport):

"The proposal is considered to be in direct conflict with Key Statement DM12 and Policy DMG3 of the Ribble Valley Core Strategy and the overarching objectives of the National Planning Policy Framework (NPPF) insofar that approval would lead to the creation of between one and three new residential dwellings in an unsustainable location whereby there would be a reliance on private motor vehicle by occupiers of the dwellings to access key services and facilities."

Reason 2 (National Landscape and Visual Amenity):

"The amount and type of development proposed conflicts with Key Statement EN2, Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and paragraphs 187 and 189 of the

NPPF, by virtue of the introduction of between one and three residential dwellings which fail to protect, conserve or enhance the character and landscape of the Forest of Bowland National Landscape and would result in a harmful urbanising impact, diminishing its natural beauty through loss of openness."

- 1.1.4. This Statement of Case has been prepared in support of the appeal to demonstrate that both reasons for refusal are fundamentally unjustified, legally flawed, and contrary to the established planning balance in the Borough.

1.2. Scope of Permission in Principle Assessment

- 1.2.1. As a procedural preliminary, it is vital to remind the decision-maker of the strict statutory scope of a Stage 1 Permission in Principle application. Governed by the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and National Planning Practice Guidance (NPPG), the LPA's assessment at Stage 1 is legally restricted strictly to three parameters: location, land use, and amount of development.
- 1.2.2. All technical design, arboricultural, ecological, detailed access, surface water drainage, and residential amenity considerations are lawfully deferred to the subsequent Stage 2 Technical Details Consent (TDC) stage.
- 1.2.3. For clarity, during the determination of the planning application, the site red line boundary was formally updated at the request of the Planning Officer to extend the vehicular access corridor continuously along Warren Fold up to its junction with the adopted public highway (adjacent to the property known as 'Whitehall'). This confirms that the appeal site connects directly to the public highway network.

1.3. Summary of Grounds of Appeal

- 1.3.1. This appeal will forensically establish that:
- **Severe Housing Land Supply Deficit:** As formally confirmed across multiple 2026 Planning Inspectorate appeal decisions (provided in Appendices) —including Land at

Chatburn Old Road (Ref: 3372635), Land South of Longsight Road, Langho (Ref: 6002485), and Land adjacent Preston Road, Ribchester (Ref: 6006097)—the Council's housing land supply stands at a critical deficit of approximately 3.45 to 3.5 years.

- **Out-of-Date Strategic Policies:** Under Paragraph 11(d) and Footnote 8 of the National Planning Policy Framework (NPPF), the Council's restrictive spatial strategy and countryside policies (Key Statement H1, Policy DMG2, and Policy DMH3) are legally out-of-date and carry vastly reduced weight.
- **National Landscape Designation Does Not Disengage the Tilted Balance:** Applying the Court of Appeal legal framework in *Monkhill Ltd v SSCLG*, the mere presence of a site within the Forest of Bowland National Landscape does not automatically disengage the presumption in favour of sustainable development. A modest proposal for 1–3 dwellings on a physically contained, semi-domestic parcel represents a logical "rounding off" that conserves landscape character, ensuring that protective policies do not provide a "clear reason for refusal" under NPPF Paragraph 11(d)(i).
- **Hurst Green is an Accessible and Sustainable Location:** In line with recent 2026 Inspectorate rulings in Ribble Valley (most notably the Ribchester decision, Ref: 6006097, provided as Appendix B), Tier 2 Villages supported by daily amenities and hourly public transport links represent suitable, accessible locations for minor housing, where occupiers are not wholly car-reliant.

1.3.2. Consequently, the presumption in favour of sustainable development (the "tilted balance") under NPPF Paragraph 11(d)(ii) is fully engaged. The modest adverse impacts asserted by the Council fall drastically short of significantly and demonstrably outweighing the substantial benefits of delivering much-needed housing in a district suffering a severe supply crisis. The Inspector will be respectfully invited to allow the appeal and grant Stage 1 PiP.

/2 Site Description and Surrounding Context

2.1. Site Location and Physical Character

- 2.1.1. The appeal site relates to a transitional parcel of land measuring approximately 0.52 hectares, situated off Warren Fold on the immediate eastern edge of Hurst Green (BB7 9QH). The appeal site forms part of the wider landholding associated with the residential property known as 'The Warren'.
- 2.1.2. Importantly, the appeal site does not comprise open, untouched, or pristine agricultural pasture. Rather, the land is heavily characterised by an established semi-domestic and transitional function, accommodating an existing vehicular access track, domestic garaging, outbuildings, and maintained grassland functionally associated with 'The Warren'.
- 2.1.3. The site is located entirely within Flood Zone 1, representing the lowest probability of fluvial flooding. Furthermore, there are no Tree Preservation Orders (TPOs) or statutory heritage assets located within the site boundary itself.

2.2. Visual Containment and Spatial Integration ("Rounding Off")

- 2.2.1. While the site is situated within the Forest of Bowland National Landscape, its physical and visual reality on the ground is firmly anchored to the existing built-up envelope of Hurst Green. The land is heavily bracketed by existing modern residential development on multiple sides, including established two-storey properties along Warren Fold to the west and north-west, Bilsberry Cottages, and the substantial built form of 'The Warren' to the south.
- 2.2.2. Only permeable post-and-wire fencing and scattered mature boundary trees define the site's eastern and northern edges. Consequently, any new residential development of between 1 and 3 dwellings on this site would be viewed immediately against the established backdrop of these existing modern two-storey dwellings.
- 2.2.3. Spatially and visually, the proposal represents a logical and sensible "rounding off" of the visual settlement edge. It does not cause a harmful protrusion into open countryside or the wider

expansive landscape, as this specific parcel is already strongly influenced and enclosed by the surrounding residential cluster.

- 2.2.4. This physical and spatial relationship is comprehensively evidenced within the original application submission. As set out in Section 7.3 (Page 21, Paragraphs 7.3.1–7.3.4) of the submitted Planning Statement, the site functions strictly as a semi-domesticated transitional parcel. The submitted Aerial View (Planning Statement Figure 1, Page 6) and Local Plan Map Extract (Figure 4, Page 18) clearly illustrate to the Inspector that the land is bracketed on three sides by established residential development, confirming that 1 to 3 dwellings represents a natural "rounding off" of the built-up envelope rather than an uncontained protrusion into open pasture.

2.3. Settlement Hierarchy and Surrounding Infrastructure

- 2.3.1. The site lies directly adjacent to the defined settlement boundary of Hurst Green. Hurst Green is formally designated as a Tier 2 Village under Key Statement DS1 of the Ribble Valley Core Strategy, where proportionate, organic minor growth is supported to maintain rural vitality.
- 2.3.2. Vehicular access to the site is gained via Warren Fold. As updated during the planning application process, the application red line boundary extends continuously along the access corridor to join the adopted public highway network adjacent to the property known as 'Whitehall'.
- 2.3.3. The site is situated immediately adjacent to a Public Right of Way (Footpath 64 / the 'Tolkien Trail') which bounds the land to the east, providing direct, traffic-free pedestrian connectivity into the village core and wider recreational routes. Additionally, the boundary of the Hurst Green Conservation Area extends up to the site access corridor.

2.4. Local Services and Public Transport Provision

- 2.4.1. Hurst Green is a thriving, active village benefiting from a range of core day-to-day community facilities and leisure services within short walking distance of the appeal site via Warren Fold. These local facilities include:

- **Education:** St Joseph's Catholic Primary School.
- **Community Facilities:** The Bailey Memorial Village Hall, St Peter's Guild Club, and local places of worship.
- **Leisure and Hospitality:** The Shireburn Arms, The Bayley Arms, and the village café (which also sells basic essential convenience items such as milk and bread).
- **Recreation:** Direct access to an extensive Public Right of Way network (including the Tolkien Trail) and local playing fields.

2.4.2. In terms of public transport, the site is well served by established bus stops located nearby on Avenue Road and Whalley Road. These stops provide regular hourly services (Service No. 5 and Service No. 25) operating Monday to Saturday throughout the day, with two-hourly services on Sundays.

2.4.3. These bus routes provide direct, regular public transport connectivity to higher-order settlements and key employment centres, including Clitheroe, Longridge, Whalley, and Preston.

2.4.4. A full baseline audit of Hurst Green's service provision and transport links is set out within Section 2.4 (Pages 9–10, Paragraphs 2.4.1–2.4.6) of the submitted Planning Statement. Paragraph 2.4.4 specifically details the timetabled bus services connecting residents to higher-order service centres, demonstrating that future occupiers will have realistic, daily public transport options available within short walking distance of the site.

2.4.5. As established in recent Planning Inspectorate appeal decisions across Ribble Valley Tier 2 Villages (most notably Preston Road, Ribchester, Ref: 6006097, Appendix B), the presence of local primary education, village amenities, and regular hourly public transport demonstrates that such locations offer a genuine choice of transport modes, ensuring future occupiers are not wholly car-reliant.

/3 Relevant Planning History and Recent Precedents

3.1. Site-Specific Planning History

3.1.1. The appeal site and its immediate surroundings possess an established residential and domestic planning history. Notable historic applications relating to the landholding of 'The Warren' include:

- **Ref: 3/2008/0400:** Replacement dwelling, extension to residential curtilage, and alterations to vehicular access (Approved with conditions, May 2008).
- **Ref: 3/2009/1014:** Substitution of house type granted under consent 3/2008/0400 (Approved with conditions, December 2009).
- **Ref: 3/2010/0765 & 3/2011/0138:** Subsequent house type substitutions relating to 'The Warren' (Approved with conditions, September 2010 and February 2011 respectively).
- **Ref: 3/2026/0263:** Proposed conversion of habitable accommodation to a garage with first-floor extension above at 'The Warren' (Approved with conditions, 16th June 2026).

3.1.2. More recently, outline applications seeking residential development on the current application parcel were considered by the Council:

- **Ref: 3/2022/0469:** Outline planning application for the erection of three self-build bungalows (Refused, September 2022).
- **Ref: 3/2023/0671:** Outline planning application for the erection of two self-build bungalows (Refused, December 2023).

3.1.3. Both the 2022 and 2023 outline refusals were explicitly predicated on a cited conflict with Core Strategy Policies DMG2 and DMH3 (development outside a defined settlement boundary),

determined at a time when the Council asserted it maintained a robust five-year housing land supply.

- 3.1.4. The subject Stage 1 Permission in Principle (PiP) application (Ref: 3/2026/0260) for a minimum of 1 and a maximum of 3 dwellings was formally submitted on 31st March 2026 (Appendix A) and refused by notice dated 21st May 2026.

3.2. Distinguishing the 2014 Appeal Decision (Ref: APP/T2350/A/14/2221778)

- 3.2.1. In refusing the subject PiP application, the Council's Delegated Officer Report relies heavily on an appeal decision from 2014 (Ref: APP/T2350/A/14/2221778), which dismissed an outline application for a single dwelling on the land. The Planning Officer quoted the 2014 Inspector's observations regarding visual protrusion into open countryside and rural transport reliance to justify the current refusal.

- 3.2.2. The Appellant submits that the Council's reliance on a 12-year-old appeal decision is fundamentally misdirected and fails to recognise the drastically altered material planning context:

- **A Collapsed Housing Supply Baseline:** In 2014, the Core Strategy had only just been examined, and the Council could demonstrate an intact five-year housing land supply. Today, as confirmed by the Planning Inspectorate, the Council suffers a severe housing supply deficit of ~3.5 years.
- **Out-of-Date Development Plan Policies:** In 2014, Core Strategy Policies DMG2 and DMH3 were fully up to date and afforded full statutory weight. In 2026, these restrictive policies are legally out-of-date under NPPF Footnote 8 and carry vastly reduced weight.
- **Material Precedent and Shift in Planning Context:** It is an established principle of planning decision-making that while previous appeal decisions are a material consideration, a historic dismissal is not determinative where material circumstances have fundamentally changed in the intervening years. The Planning Inspectorate

routinely establishes that while consistency is an important aspect of decision-making, the relevant considerations are no longer the same when an authority subsequently falls into a severe housing supply deficit. Consequently, in the context of an active 3.45-year housing shortfall, a historic decision from a fundamentally different policy era cannot be decisive when striking the updated planning balance under Paragraph 11(d) of the Framework.

3.2.3. Consequently, the 2014 appeal decision cannot act as a legal or policy barrier to granting Permission in Principle in 2026 under the engaged 'tilted balance'.

3.3. Technical Confirmations from Statutory Consultees

3.3.1. While the Council refused the PiP application on strategic and locational principles, the formal consultation responses recorded within the Delegated Officer Report provide clear confirmation that the site is free from insurmountable technical constraints:

- **Local Highway Authority (Lancashire County Council):** LCC Highways formally raised no objection in principle to the proposed development on highway safety, access, or capacity grounds. The competent Highway Authority confirmed that Warren Fold can safely serve the proposed quantum of 1–3 dwellings, subject to localised track widening or passing places to be detailed at Stage 2 TDC.
- **Parish Council:** Aighton, Bailey and Chaigley Parish Council raised no major objections in principle to the proposed residential development.
- **Statutory Undertakers:** United Utilities raised no objection in principle, subject to standard surface water and foul drainage strategies at the TDC stage.

3.4. The 2026 Planning Inspectorate Precedents in Ribble Valley

3.4.1. The Planning Inspectorate has issued three highly relevant appeal decisions within Ribble Valley Borough during 2026. These decisions establish an indisputable material context regarding the

Council's housing land supply deficit, the status of development plan policies, and the correct application of rural sustainability standards.

Land adjacent Preston Road, Ribchester (Ref: 6006097, June 2026) (Appendix B)

3.4.2. In June 2026, the Planning Inspectorate allowed an appeal for Stage 1 PiP for up to two dwellings on an edge-of-settlement site in Ribchester. This decision represents a direct, identical precedent for the current appeal:

- **Overtaking DM12 and DMG3 Refusals in Tier 2 Villages:** Ribble Valley BC refused the Ribchester application on the exact same transport grounds cited in Refusal Reason 1 of the subject application (alleging an unsustainable Tier 2 location leading to car reliance). Inspector J Buxton explicitly rejected the Council's argument, ruling that where a Tier 2 Village provides core amenities (primary school, pub, village hall, local shop) and an hourly bus service, future occupiers **would not be wholly reliant on private motor vehicles**.
- **Compliance with Transport Policies:** The Inspector formally held that the proposal complied with the accessibility objectives of Key Statement DM12 and Policy DMG3 of the Core Strategy.
- **Weight of Minor Dwellings:** The Inspector confirmed that against the backdrop of the Council's housing supply deficit, the provision of even 1 or 2 dwellings attracts **significant positive weight**.

Land South of Longsight Road, Langho (Ref: 6002485, June 2026) (Appendix C)

3.4.3. In June 2026, the Planning Inspectorate allowed an appeal for major residential development in Langho. The Inspector established key strategic principles:

- **Formal Shortfall on Record:** The Inspector formally put on record that Ribble Valley BC has a "*serious and significant shortfall in housing delivery*", benchmarking the supply at approximately 3.5 years.

- **Limited Weight to Restrictive Policies:** The Inspector ruled that the Council's strict spatial strategy policies for directing housing growth (including Policy DMG2) carry "**limited weight**".
- **Rejection of Urban Transport Benchmarks in Rural Areas:** The Inspector firmly rejected the Council's rigid approach to car reliance, ruling that lower connectivity scores are "*unsurprising*" in rural locations, and that national policy requires a "*genuine range of transport options*" rather than demanding urban levels of non-car travel.

Land to South of Chatburn Old Road, Chatburn (Ref: APP/T2350/W/25/3372635, January 2026) (Appendix D)

- 3.4.4. In January 2026, the Planning Inspectorate allowed a PiP appeal in Chatburn, formally establishing that the Council cannot demonstrate a 5-year housing land supply (calculated at 3.45 years). The Inspector confirmed that under NPPF Paragraph 11(d), Core Strategy Policies DMG2 and DMH3 are out-of-date, and that conflict with settlement boundaries does not significantly and demonstrably outweigh the benefits of delivering housing.

/4 Proposed Development and Permission in Principle Scope

4.1. Principle and Quantum of Development

- 4.1.1. This appeal relates to an application seeking Stage 1 PiP for the erection of a minimum of 1 and a maximum of 3 residential dwellings (Use Class C3) on land at The Warren, Warren Fold, Hurst Green.
- 4.1.2. The application is supported by a Location Plan identifying the site area of approximately 0.52 hectares. The proposed quantum of development (1–3 units) falls squarely within the statutory definition of "minor housing-led development" suitable for the Permission in Principle consenting route.

4.2. Legislative Framework and Statutory Scope of Assessment

- 4.2.1. The PiP consent route was established under the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and is governed by NPPG.
- 4.2.2. The statutory framework establishes a strict two-stage process for housing-led proposals:
- **Stage 1 (Permission in Principle):** Establishes whether a site is suitable in principle for a specified amount of housing-led development.
 - **Stage 2 (Technical Details Consent):** Assesses all detailed design, technical, and environmental matters before development can proceed.
- 4.2.3. In determining a Stage 1 PiP application or appeal, the decision-maker's assessment is legally restricted strictly to three core parameters:
- **Location:** The suitability of the geographical site for residential development.
 - **Land Use:** The acceptability of residential use (Use Class C3) on the land.

- **Amount of Development:** The suitability of the proposed quantum range (minimum 1, maximum 3 dwellings).

4.2.4. Furthermore, as established in Section 1.1, because the application was submitted on 31st March 2026 (Appendix A), this appeal falls to be determined under Part 2 (Standard Written Representations) of the 2009 Regulations (as amended by SI 2026 No. 122), affording the Appellant the statutory right to submit this Statement of Case.

4.3. Explicit Exclusion of Technical Matters at Stage 1

4.3.1. A fundamental legal principle of the Permission in Principle route is that an application cannot be refused on an alleged lack of detailed technical information. The explicit statutory purpose of Stage 1 is to establish the principle of development while minimising upfront costs for applicants bringing forward minor housing sites.

4.3.2. The assessment at Stage 1 must not conflate the principle of development with Stage 2 TDC. The following technical considerations are explicitly excluded from consideration at Stage 1:

- **Detailed Design and Layout:** Architectural appearance, internal floor layouts, building heights, precise dwelling siting, and hard/soft landscaping details.
- **Highways and Access Geometry:** Detailed access geometry, internal turning circles, swept path analyses, and precise parking space layouts.
- **Ecology and Arboriculture:** Tree protection plans, root protection areas, ecological survey specifics, and Biodiversity Net Gain (BNG) metrics.
- **Drainage Infrastructure:** Detailed surface water calculation models and foul water drainage connection strategies.

4.3.3. While the Appellant acknowledges that a comprehensive suite of technical reports will be required to secure TDC, attempting to refuse Stage 1 PiP on technical details or specific layout concerns represents a fundamental misapplication of the statutory PiP legislation.

4.4. Access Corridor and Physical Infrastructure

- 4.4.1. The appeal site benefits from an established vehicular access via Warren Fold, which currently serves existing domesticated uses, outbuildings, and 'The Warren'.
- 4.4.2. In response to advice from the Planning Officer and Lancashire County Council Highways during the determination of the application, the application red line boundary was updated to extend continuously along Warren Fold to meet the adopted public highway.
- 4.4.3. LCC Highways confirmed that the principle of utilising this access for 1 to 3 dwellings is acceptable, with localised widening or passing places to be formally submitted and agreed during the Stage 2 TDC stage.

/5 Planning Policy Context

5.1. The Statutory Development Plan Context

- 5.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.1.2. The statutory Development Plan for Ribble Valley Borough comprises the Ribble Valley Core Strategy 2008–2028 (adopted December 2014) and the Housing and Economic Development DPD (adopted October 2019).
- 5.1.3. Within the adopted Core Strategy, the policies relevant to the determination of this appeal include:
- **Key Statement DS1:** Development Strategy (identifying Hurst Green as a Tier 2 Village).
 - **Key Statement DS2:** Presumption in Favour of Sustainable Development.
 - **Key Statement EN2:** Landscape (Forest of Bowland National Landscape / AONB).
 - **Key Statement DMI2:** Transport Considerations.
 - **Policy DMG1:** General Considerations.
 - **Policy DMG2:** Strategic Considerations (settlement boundaries and open countryside exceptions).
 - **Policy DMG3:** Transport & Mobility.
 - **Policy DMH3:** Dwellings in the Open Countryside and AONB.

5.1.4. In refusing the application, the Council concluded that the proposal conflicts with Core Strategy Policies DMG2, DMH3, DMG1, DMG3, Key Statement EN2, and Key Statement DM12. However, the statutory weight to be attributed to these policies is fundamentally diminished when contextualised by national policy and the Council's housing land supply position.

5.2. The Material Housing Supply Deficit and Out-of-Date Policies

5.2.1. It is an established, undisputed matter of fact that Ribble Valley Borough Council cannot demonstrate a 5-Year Housing Land Supply (5YHLS). Following recent binding Planning Inspectorate decisions (including Chatburn, Ref: APP/T2350/W/25/3372635, Appendix D and Langho, Ref: 6002485, Appendix C), the Council's housing land supply is formally benchmarked at approximately **3.45 to 3.5 years**.

5.2.2. Under Paragraph 11(d) and Footnote 8 of the National Planning Policy Framework (NPPF), where a Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites, the policies which are most important for determining the application are rendered legally **out-of-date**.

5.2.3. In the recent Langho appeal decision (see Appendix C), the Planning Inspectorate explicitly confirmed that because of this housing shortfall, the Council's restrictive spatial policies (specifically including Core Strategy Policies DMG2, DMH3, and Key Statement H1) carry "**limited weight**" in the planning balance. Consequently, the spatial boundary framework upon which the Council relied to refuse this application has collapsed.

5.3. Legal Mechanics: Bypassing NPPF Paragraph 11(d)(i)

5.3.1. Because the most important development plan policies are out-of-date, Paragraph 11(d) of the NPPF is engaged. The Council's Delegated Officer Report asserts that because the appeal site falls within the Forest of Bowland National Landscape (a protected area listed under NPPF Footnote 7), Paragraph 11(d)(i) disengages the "tilted balance".

5.3.2. The Appellant submits that the Council's automatic disapplication of the tilted balance represents a fundamental legal error. As established in the landmark judgment *Monkhill Ltd v*

Secretary of State [2021] EWCA Civ 74 (affirming the High Court judgment of Holgate J), the mere fact that a Footnote 7 policy is engaged is legally **insufficient** to satisfy Limb 11(d)(i).

5.3.3. Holgate J established the definitive 15-point test for applying Paragraph 11(d):

"The mere fact that such a policy is engaged is insufficient to satisfy limb (i). Whether or not limb (i) is met depends upon the outcome of applying the relevant 'Footnote 6 [now Footnote 7]' policies... If the application of a Footnote 7 policy does not provide a clear reason for refusal, the presumption in favour of sustainable development has not been disapplied and the decision-maker must proceed to limb (ii) [the tilted balance]."

5.3.4. To determine whether NPPF National Landscape policy provides a "strong reason" for refusal under Limb 11(d)(i), the proposal must be tested sequentially against Paragraphs 189 and 190 of the Framework (2024).

Step 1: The "Major Development" Test (NPPF Paragraph 190)

5.3.5. NPPF Paragraph 190 states that planning permission should be refused for major development within National Landscapes other than in exceptional circumstances.

5.3.6. Whether a proposal constitutes "major development" within a National Landscape is a matter for the decision-maker, taking into account its nature, scale, setting, and whether it could have a significant adverse impact on the purposes of designation (NPPF Footnote 91).

5.3.7. A proposal for a minimum of 1 and a maximum of 3 dwellings on a 0.52ha semi-domestic parcel unequivocally does not constitute "major development". As established in *APP/W0340/W/18/3211943 (Stretton Close)* (see Appendix E), schemes of up to 11 dwellings within an AONB/National Landscape do not automatically constitute major development. The Council did not allege that the proposal constitutes major development.

5.3.8. Therefore, the strict "exceptional circumstances" refusal test of Paragraph 190 does not apply to this minor application.

Step 2: The "Landscape Conservation" Test (NPPF Paragraph 189)

- 5.3.9. Because the proposal is non-major, it falls strictly to be assessed against NPPF Paragraph 189, which requires "great weight" to be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
- 5.3.10. As demonstrated in the physical site analysis (Chapter 2), the appeal site is a visually contained, semi-domestic transitional parcel bracketed by modern two-storey housing on three sides. Developing 1 to 3 sensitively designed dwellings on this parcel represents a logical "rounding off" of the settlement pattern, which will be viewed strictly against the backdrop of existing built form.
- 5.3.11. Because the proposal conserves the scenic beauty and special qualities of the wider National Landscape, the protective policies of the Framework do **not** provide a "strong reason" for refusing the development.
- 5.3.12. Furthermore, it is highlighted that Footnote 7 of Paragraph 11(d)(i) in the current NPPF (2024) explicitly requires protective policies to provide a "*strong reason for refusing the development proposed*" in order to disengage the tilted balance. This phrasing reinforces that the threshold for disapplying the presumption in favour of sustainable development is substantial. Minor, localised visual impacts associated with a modest, edge-of-settlement "rounding off" proposal of 1 to 3 dwellings cannot reasonably be construed as providing a "strong reason" for refusal under Paragraph 189.
- 5.3.13. Consequently, NPPF Paragraph 11(d)(i) is successfully bypassed, and the decision-maker is legally mandated to determine the appeal under the "Tilted Balance" of NPPF Paragraph 11(d)(ii). Under this mechanism, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the substantial benefits of housing delivery.

/6 Detailed Planning Policy Assessment & Rebuttal of Refusal Reasons

6.1. The Framework for Assessment: The Engaged Tilted Balance

- 6.1.1. As legally established in Chapter 5, the Council's restrictive spatial boundary policies (Policies DMG2 and DMH3) are out-of-date due to the Council's severe ~3.45-year housing land supply deficit. Furthermore, because the proposal is non-major development and conserves the special qualities of the Forest of Bowland National Landscape, Footnote 7 policies do not provide a "strong reason for refusal" under NPPF Paragraph 11(d)(i).
- 6.1.2. Consequently, the decision-maker is legally mandated to determine this Stage 1 PiP appeal under the "Tilted Balance" of NPPF Paragraph 11(d)(ii). Under this statutory presumption, Stage 1 PiP must be granted for the proposed Location, Land Use, and Amount of development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

6.2. Location & Rebuttal of Reason for Refusal 1 (Transport & Sustainability)

Analysis of Refusal Reason 1

- 6.2.1. Refusal Reason 1 asserts that the creation of 1 to 3 dwellings on the site represents an "unsustainable location" resulting in an unacceptable reliance on the private motor vehicle, citing direct conflict with Key Statement DM12 and Policy DMG3 of the Core Strategy.

Settlement Hierarchy and Local Service Provision

- 6.2.2. The appeal site lies immediately adjacent to the defined settlement boundary of Hurst Green. Locally, Hurst Green is formally designated within Core Strategy Key Statement DS1 as a Tier 2 Village. NPPF Paragraph 83 explicitly directs that housing should be located in rural villages where it will "*enhance or maintain the vitality of rural communities*" and allow settlements to "*grow and thrive, especially where this will support local services*". Furthermore, NPPF Paragraph 110 mandates that decision-makers account for the fact that transport solutions in rural villages

"will vary between urban and rural areas". Together, local and national policies establish that sustainable rural villages are appropriate locations for proportionate, organic housing growth.

6.2.3. Despite its Tier 2 categorisation within the Core Strategy, Hurst Green nevertheless provides a robust network of day-to-day services and facilities. Via Warren Fold, future occupiers benefit from direct, safe, level pedestrian access to key local amenities within short walking distance, including:

- **Education:** St Joseph's Catholic Primary School.
- **Community Facilities:** The Bayley Memorial Village Hall, St Peter's Guild Club, and local places of worship.
- **Hospitality and Services:** The Shireburn Arms, The Bayley Arms, and the village café.
- **Active Travel Network:** Direct adjacency to the Public Right of Way network (Footpath 64 / Tolkien Trail) and local recreational playing fields.

Public Transport Provision and Modal Choice

6.2.4. The site is well-served by rural public transport. Nearby established bus stops on Avenue Road and Whalley Road (within short walking distance) provide regular timetabled services:

- **Service 5:** Hourly Mon–Sat daytime services and 2-hourly Sunday services directly connecting residents to higher-order service centres, secondary schools, retail, and employment in Clitheroe, Longridge, Whalley, and Preston.
- **Dedicated School Services:** Direct school bus connections serving secondary education facilities.

Applying 2026 Inspectorate Precedents on Rural Transport

6.2.5. The Council's refusal relies on an urban-centric benchmarking of accessibility, demanding that rural residents significantly limit car usage. This rigid approach has been explicitly rejected by the Planning Inspectorate across recent 2026 appeal decisions within Ribble Valley:

- **The Langho Appeal Precedent (Ref: 6002485, June 2026) (Appendix C):** Inspector G D Jones established that in rural locations, lower connectivity scores relative to urban centres are "*unsurprising*". The Inspector explicitly held that national policy does not require car use to be eliminated entirely; rather, it requires that development offers a "*genuine range of transport options*" allowing access to services without exclusive reliance on the private car.
- **The Ribchester PiP Precedent (Ref: 6006097, June 2026) (Appendix B):** In allowing a Stage 1 PiP appeal for 2 dwellings in a Tier 2 Village, Inspector J Buxton directly overturned the Council's identical DM12/DMG3 transport refusal, confirming that an hourly bus service alongside primary school and village hall facilities provides safe, realistic choices that prevent occupiers from being "*wholly reliant*" on private motor vehicles.

6.2.6. The local service provision and bus service frequency in Hurst Green match or exceed those approved by the Inspectorate at Ribchester and Langho. Therefore, the appeal site represents a sustainable location for minor housing growth in accordance with Key Statement DM12, Policy DMG3, and NPPF Paragraphs 110 and 115.

Technical Validation of Access Corridor

6.2.7. The Local Highway Authority (Lancashire County Council) reviewed the application and formally confirmed no objection in principle on highway safety, access, or capacity grounds. LCC Highways confirmed that Warren Fold is capable of safely accommodating the minor traffic generation (1–3 units), subject to localised track widening or passing places to be detailed at Stage 2 TDC.

6.3. Land Use, Spatial Integration & Rounding Off

- 6.3.1. The proposed residential land use (Class C3) is entirely compatible with the character and pattern of surrounding land uses, satisfying Core Strategy Policy DMG1.
- 6.3.2. The site does not represent an isolated or uncontained parcel of open countryside. As demonstrated by Ordnance Survey mapping and site photographs, the parcel is physically enclosed and bracketed by established built form:
- **West & North-West:** Bounded by modern two-storey residential properties on Warren Fold and Bilsberry Cottages.
 - **South & South-East:** Anchored by the substantial built form, garaging, access track, and formal curtilage of 'The Warren'.
- 6.3.3. The application site functions as a semi-domesticated, transitional parcel wedged directly into this existing built envelope. Developing 1 to 3 dwellings on this specific parcel constitutes a logical visual and spatial "rounding off" of Hurst Green's built-up edge, formalising a transitional space without extending suburban sprawl into open pasture.

6.4. Amount of Development & Rebuttal of Reason for Reason 2 (Landscape & Openness)

Analysis of Refusal Reason 2

- 6.4.1. Refusal Reason 2 claims that introducing 1 to 3 dwellings would fail to conserve or enhance the Forest of Bowland National Landscape, resulting in a "harmful urbanising impact" and "loss of openness," citing conflict with Core Strategy Key Statement EN2, Policies DMG1 and DMG2, and NPPF Paragraphs 187 and 189.

Support for Minor Windfall Delivery (NPPF Paragraph 73)

- 6.4.2. The proposal seeks a quantum range of minimum 1 to maximum 3 dwellings. The Council is mandated by national policy to afford significant positive weight to this small scale of delivery. NPPF Paragraph 73 explicitly states that small sites:

"make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly."

- 6.4.3. Paragraph 73(c) directly instructs local authorities to use PiP to bring forward small sites, while Paragraph 73(d) requires decision-makers to give *"great weight to the benefits of using suitable sites within existing settlements [and their immediate edges] for homes"*. In a district suffering a critical ~3.45-year supply shortfall, the rapid delivery of up to 3 units on a deliverable site carries substantial public weight.

Landscape & Visual Impact Assessment

- 6.4.4. The Council's assertion of "harmful urbanisation" relies on generic assertions rather than physical context. As confirmed by site photos and Local Plan mapping, the site is visually contained by surrounding topography, mature boundary vegetation, and adjoining modern housing.
- 6.4.5. Any new dwellings (1–3 units) will be perceived in immediate visual conjunction with the existing modern two-storey backdrop of Warren Fold and 'The Warren'. The proposal does not encroach into sweeping, uninterrupted vistas of the National Landscape; it infills a semi-domesticated gap on the visual urban fringe.
- 6.4.6. The Inspector's attention is respectfully directed to the photographic evidence provided at Figure 2 (Page 7, Para 2.2.2) and Figure 3 (Page 8, Para 2.2.3) of the submitted Planning Statement. Figure 2 demonstrates the physical reality on the ground, showing that the site is bounded by a simple post-and-wire fence where any new built form will be viewed directly against the immediate backdrop of existing two-storey houses. Figure 3 further confirms the established, domesticated character of the access track and stone walling leading into the site

Experiential Impact on the Public Right of Way (Tolkien Trail)

- 6.4.7. Objectors and the Officer Report express concern regarding the impact on walkers utilising Footpath 64 (the Tolkien Trail). However, as recreational walkers pass Warren Fold, they are

already navigating an established residential environment characterised by modern brick houses, domestic boundary walls, parked cars, and hardstanding.

- 6.4.8. As expanded upon in Section 7.5 (Page 23, Paragraphs 7.5.1–7.5.4) of the Planning Statement, an experiential assessment of the Public Right of Way network confirms that walkers at this location are actively traversing a modern settlement edge. The addition of 1 to 3 sensitively designed homes within this existing residential setting will be perceived simply as a natural continuation of the village edge, causing no material degradation to the recreational or scenic value of the wider trail.
- 6.4.9. Introducing up to 3 high-quality, sensitively designed dwellings in this immediate context will be experienced by trail users as a natural, minor continuation of the existing built edge. It causes no material degradation to the experiential quality or scenic enjoyment of the wider trail.

Technical Details Reserved for Stage 2

- 6.4.10. Detailed matters such as precise building siting, height, scale, external materials, arboricultural protection, and 10% Biodiversity Net Gain (BNG) are strictly deferred to Stage 2 TDC. Ample space exists across the 0.52ha plot to secure high-quality vernacular architecture and extensive boundary screening at Stage 2.

6.5. The Overall Planning Balance (NPPF Paragraph 11(d)(ii))

- 6.5.1. In applying the statutory Tilted Balance, the benefits of the proposal overwhelmingly outweigh any minor, localised adverse impacts:

Benefits (Substantial Weight)

- **Housing Delivery in a Deficit:** Delivering up to 3 deliverable market homes in an authority with a critical ~3.45-year supply shortfall attracts **substantial positive weight** (NPPF Para 73 & 2026 Inspectorate Precedents).
- **Support for SME Builders:** Aligns directly with national policy objectives to support small-scale SME build-out (NPPF Para 73).

- **Sustaining Rural Vitality:** Provides local footfall and expenditure to support Hurst Green's primary school, pubs, and village hall (NPPF Para 83 & Core Strategy Key Statement DS1).
- **Economic Benefits:** Short-term construction jobs and long-term local council tax/spending contributions.

Alleged Harms (Minimal / Limited Weight)

- **Spatial Strategy Policy Conflict:** Conflict with out-of-date settlement boundary policies (DMG2, DMH3) carries **limited weight** as established by other recent Planning Inspectorate decisions within the Ribble Valley.
- **Landscape & Visual Impact:** Negligible harm to the wider National Landscape due to physical containment and immediate adjacency to modern two-storey built form.
- **Transport Reliance:** Acceptable rural transport profile offering a genuine choice of travel modes in accordance with 2026 Inspectorate rulings.

6.5.2. There are **no adverse impacts** associated with this proposal that could conceivably be deemed to "significantly and demonstrably outweigh" the substantial benefits. Stage 1 PiP should therefore be granted.

/7 Conclusions

7.1. Summary of Strategic Circumstances

- 7.1.1. This appeal challenges the decision of Ribble Valley Borough Council to refuse Stage 1 PiP for the erection of a minimum of 1 and a maximum of 3 residential dwellings (Use Class C3) on land at The Warren, Warren Fold, Hurst Green (Ref: 3/2026/0260). The application was formally submitted on 31st March 2026 (Appendix A) and proceeds under Part 2 (Standard Written Representations Procedure).
- 7.1.2. The refusal was issued against a backdrop of a critical, acknowledged housing land supply crisis within the Borough. Following binding 2026 Planning Inspectorate decisions (including Chatburn, Ref: APP/T2350/W/25/3372635, and Langho, Ref: 6002485), the Council's housing land supply is formally benchmarked at approximately 3.45 to 3.5 years.
- 7.1.3. Consequently, under NPPF Paragraph 11(d) and Footnote 8, the Council's core spatial policies restricting housing outside defined settlement boundaries—specifically Policies DMG2 and DMH3—are legally out-of-date and carry limited weight in decision-making.

7.2. Consideration of LPA objections

Location

- 7.2.1. The appeal site lies immediately adjacent to the built-up envelope of Hurst Green, a designated Tier 2 Village possessing a primary school, village hall, public houses, and local services.
- 7.2.2. Established timetabled bus services (Service 5) provide hourly connections to higher-order settlements.
- 7.2.3. In line with 2026 Inspectorate precedents at Langho (Ref: 6002485) and Ribchester (Ref: 6006097), rural accessibility must be judged against rural realities rather than urban benchmarks. The availability of local services and public transport offers a genuine choice of travel modes.

- 7.2.4. Lancashire County Council Highways raised no objection in principle to the proposed location or access corridor via Warren Fold.

Land Use

- 7.2.5. The proposed residential land use (Class C3) is entirely compatible with the surrounding residential context along Warren Fold and 'The Warren'.
- 7.2.6. The site is a physically contained, semi-domesticated transitional parcel bracketed by modern two-storey housing on three sides.
- 7.2.7. Residential development on this site represents a logical visual and spatial "rounding off" of the settlement edge, rather than harmful sprawl into open countryside.

Amount of Development

- 7.2.8. The quantum range (1 to 3 dwellings) falls strictly within the statutory definition of minor housing development.
- 7.2.9. Under NPPF Paragraph 73, small windfall sites of this scale carry substantial positive weight due to their rapid build-out rates and suitability for SME housebuilders.
- 7.2.10. Because the scheme is non-major development and visually well-contained, it conserves the scenic beauty and landscape character of the Forest of Bowland National Landscape in accordance with NPPF Paragraph 189.

The Legal and Policy Mandate for Granting Consent

- 7.2.11. Applying the legal framework established in *Monkhill Ltd v SSCLG* [2021] EWCA Civ 74, the site's location within a National Landscape does not automatically disengage the presumption in favour of sustainable development.

7.2.12. Because the proposal conserves the special qualities of the National Landscape and involves a modest quantum of 1 to 3 units, Footnote 7 protective policies do not provide a "strong reason for refusal" under NPPF Paragraph 11(d)(i).

7.2.13. Therefore, the decision-maker is legally mandated to determine this appeal under the Tilted Balance of NPPF Paragraph 11(d)(ii).

7.2.14. In applying the Tilted Balance:

- **The Benefits:** Delivering up to 3 deliverable market homes in a severe 3.45-year supply deficit, supporting SME builders, maintaining rural village vitality (NPPF Para 83), and generating economic activity carry substantial combined positive weight.
- **The Alleged Harms:** Conflict with out-of-date spatial boundaries carries limited weight. Localised visual impact within an already built-up context and minor rural car reliance carry negligible to limited negative weight.

7.2.15. There are no adverse impacts that significantly and demonstrably outweigh the substantial benefits of delivering housing on this site. The proposal represents sustainable development in full accordance with the NPPF.

7.3. Appeal Request

7.3.1. For the reasons set out within this Statement of Case, the Appellant respectfully requests that the Planning Inspectorate allow this appeal and grant Stage 1 PiP for the erection of a minimum of 1 and a maximum of 3 residential dwellings at Land at The Warren, Warren Fold, Hurst Green.

Appendix A: Proof of Application Submission Email

Document Summary

- **Document Type:** Electronic Application Submission Confirmation / Email Audit
- **Project:** Land at The Warren, Warren Fold, Hurst Green, Clitheroe, BB7 9QH
- **LPA Application Reference:** 3/2026/0260
- **Appellant:** OCBS Ltd
- **Agent:** PWA Planning (Matthew Wyatt MRTPI)
- **Recipient:** Ribble Valley Borough Council Planning Department (planning@ribblevalley.gov.uk)
- **Date & Time Submitted:** 31st March 2026 at 11:38 AM

Procedural Note & Directive for the Decision-Maker

This Appendix provides formal proof that the planning application subject to this appeal was submitted and made to the Local Planning Authority on 31st March 2026.

Under Regulation 3(3)(a)(i) of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (as amended by SI 2026 No. 122: The Town and Country Planning (Appeals) (Written Representations Procedure) (England) (Amendment and Saving Provision) Regulations 2026), appeals made in relation to applications made prior to 1st April 2026 proceed under Part 2 (Standard Written Representations Procedure).

The subsequent administrative validation date assigned by the Council (22nd April 2026) does not alter the statutory date on which the application was made. Consequently, this appeal properly proceeds under Part 2, entitling the Appellant to submit a full Statement of Case.

Matthew Wyatt

From: Matthew Wyatt
Sent: 31 March 2026 11:38
To: Planning
Cc: Lisa Quinn-Jones
Subject: New Permission in Principle (PiP) Application - Land at The Warren, Warren Fold, Hurst Green, Clitheroe, BB7 9QH
Attachments: Location Plan.pdf; PIP Application Forms.pdf; The Warren PiP Planning Statement with Appendices.pdf

Dear Sir / Madam,

Please find attached a new Stage 1: Permission in Principle (PiP) application submitted on behalf of our client, OCBS Ltd, for the erection of a minimum of 1 and a maximum of 3 dwellings at Land at The Warren, Warren Fold, Hurst Green, Clitheroe, BB7 9QH.

Please find the following documents attached to this email to form the complete application package:

- Completed PiP Application Forms
- Location Plan
- Planning Statement (with Appendices)

Application Fee As the site area is 0.52 hectares, the requisite application fee is calculated at £503 for each 0.1 hectare (or part thereof). For 0.52 hectares, this equates to 6 parts, resulting in a total fee of **£3,018**.

As national planning application fees are set to increase tomorrow, 1st April, this application is being submitted today to secure the current fee rate.

I would be grateful if you could please acknowledge receipt of this email and the attached documents. I trust that the Council will respond in due course to confirm the application reference number.

Should you require any further information to validate this application, please do not hesitate to contact me.

All the best,

Matthew Wyatt MRTPI
Associate



PWA Planning

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Lockside Office Park, Lockside Road, Preston PR2 2YS

Appendix B: Ribchester Permission in Principle Appeal Decision

Document Reference & Key Details

- **Appeal Reference:** APP/T2350/W/26/6006097
- **Site Address:** Land off Ribchester Road, Ribchester, Lancashire
- **Development Proposal:** Permission in Principle for 2 residential dwellings
- **Local Planning Authority:** Ribble Valley Borough Council
- **Inspector:** J Buxton
- **Decision Date:** June 2026
- **Outcome:** Appeal Allowed (Permission in Principle Granted)

Summary & Inspector Directives

- **Direct Precedent for Tier 2 Village PiP Applications:** This decision relates specifically to a Stage 1 Permission in Principle appeal for minor residential development within a designated Tier 2 Village in Ribble Valley.
- **Overturning of Refusal under Key Statement DM12 & Policy DMG3:** The Inspector directly rejected Ribble Valley Borough Council's refusal based on alleged vehicle reliance and unsustainable locational credentials.
- **Validation of Rural Public Transport:** The Inspector ruled that an hourly bus service combined with primary school and community facilities in a Tier 2 village provides realistic modal choices, ensuring future occupiers are not "*wholly reliant*" on private motor vehicles.
- **Application to Current Appeal:** The Inspector is directed to compare the service profile of Ribchester against Hurst Green. Hurst Green offers identical or superior facilities (primary school, public houses, village hall) and an identical bus service (Service 5). This decision confirms that Refusal Reason 1 cannot be sustained.

Appeal Decision

Site visit made on 12 May 2026

by J Buxton BA(Hons) DipArch ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: 6006097

Land adjacent Preston Road, Ribchester PR3 3XL

Easting (x): 364706 Northing (y): 435556

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr T Burns against the decision of Ribble Valley Borough Council.
 - The application reference is 3/2026/0050.
 - The development proposed is erection of up to two dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for erection of residential development comprising a minimum of one dwelling and a maximum of two dwellings at land adjacent to Preston Road, Ribchester PR3 3XL in accordance with the terms of the application reference 3/2026/0050, dated 22 January 2026.

Preliminary Matters

2. The application form was not completed with a full postal address. I have adopted an address which is an amalgamation of the description on the application form and the address on the Council's Decision Notice, and which accurately describes the location of the appeal site. For completeness, I have also included the Easting and Northing co-ordinates in the banner above for clarity.
3. The proposal is for Permission in Principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages: the first stage (or PiP stage) establishes whether a site is suitable in-principle, and the second (Technical Details Consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if PiP is granted. I have determined the appeal accordingly and treated any details related to a Technical Details Consent as being illustrative only. There is no disagreement between the parties with regard to land use and amount of development and so my deliberations centre on whether the site is a suitable location for the proposed development.

Main Issue

5. Taking into account the above, the main issue is whether the site is a suitable location for the proposed development.

¹ PPG Permission in Principle Paragraph: 012 Reference ID:58-012-20180615

Reasons

6. The appeal site comprises an undeveloped parcel of land, broadly rectangular in shape and extending to approximately 0.19 hectares. It is located in Ribchester and fronts Preston Road. The site lies between existing residential properties along the road and is currently greenfield in nature. The topography of the site slopes gently downwards towards the main road. The land is bounded by vegetation along the frontage and north-western boundary, whilst the rear and south-eastern boundaries are more open. Access to the site is currently taken from the south-eastern boundary via an existing field gate.

Suitable location

7. The Council Officer's Report refers to Key Statement DS1 of the Ribble Valley Core Strategy 2008 – 2028 (CS), adopted 16 December 2014 which sets out a development strategy for the Borough. The strategy directs the majority of new housing development to an identified strategic site and the principal settlements of Clitheroe, Longridge and Whalley. In addition, it states that development will be focused on Tier 1 Villages, which are the more sustainable of the defined settlements and states that new housing within and outside of the Borough's Tier 2 village settlements will be more tightly controlled with such development being permissible where local needs housing or regeneration benefits can be delivered. The appeal site is adjacent the settlement boundary of Ribchester, which is identified as a Tier 2 Village.
8. CS Policy DMG2 requires that, outside of defined settlement areas, development should meet at least one of several considerations. In addition, CS Policy DMH3 states that residential development within areas defined as open countryside is generally limited to specified types of development. In this case, the proposed development does not meet any of the listed considerations nor does it fall within the types of residential development typically supported for open countryside locations. As such, the proposal does not accord with the above policies. There is no evidence before me that would lead me to conclude differently.
9. The Decision Notice refers to CS Policies DM12 and DMG3 of the Ribble Valley Core Strategy which seek to ensure that development is well related to the primary road network and can be accessed by sustainable modes of transport. These policies aim to promote development patterns which reduce reliance on private motor vehicles; in this respect there is disagreement between the parties regarding the suitability of the appeal site to access key services and facilities.
10. From my site visit, I observed that the site is located on a primary route through Ribchester and it is well connected by footpaths to the centre of the village which is within a reasonable walking distance. Within the centre there are a range of services, including public houses serving food, a retail shop, a post office, cafes, places of worship, a village hall, and a primary school. In addition, there are recreational facilities including an outdoor playground, tennis courts, and football pitches, as well as a range of local businesses. Collectively, these facilities provide for a range of day-to-day needs and contribute positively to the overall accessibility of the site.

¹ PPG Permission in Principle Paragraph: 012 Reference ID:58-012-20180615

11. I recognise that future occupants may need to travel further afield for employment, supermarkets and secondary schools, however, the site is located within close proximity of a bus stop providing an hourly service between 6am and 8.30pm. This offers a reasonable alternative to private car use, with journey time to Longridge which has a greater range of services, of approximately 8 minutes and onward connections to the wider area, such that future occupiers would not be wholly reliant on a private car.
12. In addition, the presence of a designated cycle route running along the frontage of the site offers further opportunities for travel by modes other than the private car. This offers connectivity to the surrounding area, and its proximity is likely to encourage its use by future occupiers.
13. Taking these factors together, future occupiers of the proposed development would not be wholly reliant on the private motor vehicle, and the site can therefore reasonably be regarded as being in an accessible location to local services by other modes of transport.
14. Although the proposal conflicts with the spatial strategy set out in CS Policies DS1, DMG2 and DMH3, I find that the site is well related to the existing settlement and occupies an accessible location. As such, it would accord with the objectives of Key Statement DM12 and Policy DMG3 of the CS which among other things seek to ensure that development is safely and sustainably accessible, does not harm highway safety, and meets criteria relating to design, environmental protection and overall development quality.

Other Matters

15. The parties have drawn my attention to the appeal decision² (The Chatburn Decision), where residential development outside a defined settlement boundary was allowed. My approach in this case is consistent with that decision. Whilst Ribchester is identified as a Tier 2 village, when its range of local services and public transport links are taken into account, I consider it to represent a suitable location for housing in principle.
16. The appeal site is positioned within open countryside but between existing built development and as a result is visually and physically related to the established settlement pattern along Preston Road. Whilst it lies outside the formal settlement boundary, it does not form part of an isolated or particularly sensitive rural landscape and as such it is also a suitable location for development in this regard.
17. I have had regard to the concerns raised by a neighbouring occupier in respect of the effect of the number of dwellings proposed on the character and appearance of the area, the living conditions of nearby residents and drainage. However, the application is made in the form of a PiP and the matter for consideration at this stage is whether the site is suitable for residential development of up to two dwellings. Whilst this establishes an upper limit, the precise form and layout of development, and the number of dwellings that would ultimately come forward within that parameter, would be determined at the technical details consent stage. Matters relating to parking provision for the dwellings, and any associated highway safety considerations, would also be assessed at that stage. Accordingly, whilst the indicative layout is a useful guide to how the site might be developed, it is not determinative.

² APP/T2350/W/25/3372635

18. I note that a public sewer crosses the site. However, this is a separate matter which can be addressed through engagement with the relevant statutory undertaker and considered at the technical details consent stage.
19. The proposal would also generate temporary economic benefits during the construction phase, alongside a small degree of ongoing support for local services through additional household expenditure. Given the limited scale of the development, these benefits carry limited weight.

Planning Balance

20. The proposed development would conflict with the spatial strategy set out in CS Policy DS1, together with Policies DMG2 and DMH3, as it would introduce residential development outside the defined settlement boundary within a Tier 2 settlement. However, the degree of conflict with these policies is tempered by the particular characteristics of the appeal site. It is bounded by existing residential development and reads as part of the built frontage along Preston Road. As such, the proposal would not result in isolated or sporadic development in the countryside, nor would it undermine the overall spatial strategy to any great degree. Nevertheless, as the proposal would be in conflict with the spatial strategy of the CS, it would conflict with the development plan as a whole.
21. The Council has not confirmed its current housing land supply position within the submitted evidence. However, having regard to the recent Chatburn appeal decision referenced by the appellant, issued in January 2026, it is understood that the Council's supply was approximately 3.45 years at that time. Whilst it is acknowledged that this position may have changed in the intervening period, no updated evidence has been provided by the Council to demonstrate that a full five-year housing land supply can now be sustained. In the absence of such evidence, it is reasonable to conclude that the Council cannot demonstrate a five-year supply of deliverable housing sites.
22. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework is engaged. As a result, the policies most important for determining the application, including those relating to the location and distribution of housing, are considered to be out-of-date.
23. Against this backdrop, the provision of additional housing, even at the modest level of up to two dwellings, attracts significant weight. This is particularly the case given that the appeal site is reasonably accessible to a range of services and transport options, such that it can be considered a sustainable location in planning terms.
24. In this context, I find that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole and planning permission should be granted.

Conditions

25. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle. Therefore, whilst I acknowledge the conditions suggested by the Council, I have not imposed them. The terms of the application already include site location, type of development and amount, and the amount has been expressed as a range in the decision paragraph, as required by the PPG.

Conclusion

26. I find this is a case where there are material considerations that indicate that the appeal should be determined otherwise than in accordance with the development plan. For the reasons given above the appeal should be allowed.

J Buxton

INSPECTOR

Appendix C: Langho Inquiry Appeal Decision

Document Reference & Key Details

- **Appeal Reference:** PINS Ref: 6002485 (LPA Ref: 3/2025/0196)
- **Site Address:** Land South of Longsight Road, Langho, BB6 8AD
- **Development Proposal:** Outline application for up to 300 residential dwellings
- **Appellant:** Hallam Land Management Limited
- **Local Planning Authority:** Ribble Valley Borough Council
- **Inspector:** G D Jones BSc (Hons) DipTP DMS MA MRTPI
- **Decision Date:** 11 June 2026
- **Outcome:** Appeal Allowed

Summary & Inspector Directives

- **Confirmation of Critical Housing Deficit:** The Inspector formally placed on record that Ribble Valley Borough Council suffers from a "*serious and significant shortfall in housing delivery*," benchmarking the supply at roughly **3.5 years**.
- **Limited Weight to Spatial Boundary Policies:** The decision confirms that because of this acute housing shortfall, the Council's restrictive spatial policies—specifically Core Strategy Policies DMG2, DMH3, and Key Statement H1—carry "**limited weight**" in planning decisions.
- **Realistic Benchmarking of Rural Transport & Sustainability:** The Inspector directly rejected the Council's urban-centric transport arguments, ruling that lower connectivity scores are "*unsurprising*" in rural areas. The Inspector held that national policy does not require car reliance to be eliminated, but rather requires a "*genuine range of transport options*" to access services.
- **Application to Current Appeal:** The Inspector should direct their attention to Paragraphs 10–15 (Sustainable Transport) and Paragraphs 24–25 (Housing Land Supply & Spatial Strategy). This decision directly neutralises Refusal Reason 1 by establishing that minor car reliance in a rural village does not render a site unsustainable, and that spatial boundary conflicts carry limited negative weight.



Appeal Decision

Inquiry Held on 28 to 30 April & 7 May 2026

Site visit made on 1 May 2026

by G D Jones BSc(Hons) DipTP DMS MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2026

Appeal Ref: 6002485

Land south of Longsight Road, Langho

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land Management Limited against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2025/0196, dated 6 March 2025, was refused by notice dated 27 June 2025.
 - The development proposed is up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable drainage systems.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 300 residential dwellings, associated access, rail station car park, green infrastructure and sustainable drainage systems at Land south of Longsight Road, Langho in accordance with the terms of the application, Ref 3/2025/0196, dated 6 March 2025, subject to the conditions contained within the Schedule at the end of this decision.

Preliminary Matters

2. The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the submitted details, including those submitted after the application was determined, relating to these reserved matters as a guide as to how the site might be developed.
3. A multilateral legal agreement (the Legal Agreement) and a unilateral undertaking (the UU), both dated 26 May 2026 and made under s106 of the Town and Country Planning Act 1990, were submitted after the Inquiry closed in accordance with an agreed timetable. I have had regard to the Legal Agreement and the UU when making my decision.
4. The evidence refers to the emerging Ribble Valley Local Plan. The main Statement of Common Ground (SoCG) indicates that the emerging Plan attracts no weight at this stage. For the avoidance of any doubt, while I have taken it into consideration, it has not affected the outcome of the appeal.

Main Issues

5. The main issues are:

- The proposed development's effect on the character and appearance of the area;
- Its effect on sustainable modes and patterns of transport;
- Its effects on biodiversity, including in terms of Biodiversity Net Gain; and
- Whether any harm that might result from the development would be outweighed by other considerations, including housing land supply.

Reasons

Character & Appearance

6. The appeal site is not allocated for development in the development plan. While adjacent to it, the site is not within the settlement boundary of Langho as defined in the development plan. It is, therefore, located within the open countryside as defined by Core Strategy Policy DMG2 of the Core Strategy 2008-2028 - A Local Plan for Ribble Valley, adopted December 2014 (the Local Plan).
7. Both main parties have undertaken their own assessments of the landscape and visual effects that would result from the appeal scheme. While they come to different conclusions, there are notable similarities between them. From all that I heard, saw and experienced during the appeal process, including during my site visit, in my view its effects in these respects would largely lie somewhere between each party's witness's assessments. Nonetheless, as a decision-making aid I have adopted the Council's witness's assessment as a benchmark.
8. On either assessment, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in that regard, it would conflict with Policies DMG2 (Strategic Considerations) and DME2 (Landscape and Townscape Protection) of the Local Plan. The proposed approach to the development of the site would be sympathetic in many respects and bring with it certain benefits. Nonetheless, transforming the fields in question to a developed site would also be at odds, in that regard, with Policy DMG1 (General Considerations) of the Local Plan and para 135 of the National Planning Policy Framework (the Framework).
9. The proposed development would result in the loss of some existing trees and hedgerow. Nonetheless, subject to controls that would be secured via planning conditions, the evidence indicates that the appeal scheme overall need not have any significant effects on trees or woodland, including those that are the subject of the Green Nook Wood Tree Preservation Order in the north eastern portion of the site. On this basis it would accord with Policy DME1 (Protecting Trees and Woodland) of the Local Plan.

Sustainable Transport

10. Langho is classed as one of nine 'Tier 1 Villages' in the Local Plan via Key Statement DS1. DS1 states that the majority of new housing development will be concentrated within the principal settlements of Clitheroe, Longridge and Whalley, including a strategic site south of Clitheroe. Tier 1 Villages sit below these areas in

the adopted development hierarchy and are described as the more sustainable of the 32 other defined settlements.

11. Nonetheless, the evidence indicates that the range of services available in Langho has diminished since the Local Plan was adopted. It is also clear that residents of the development, like existing residents of Langho, are likely to have to leave the village to access most services and facilities, including medical, retail and post-primary school education, as well as employment. Nonetheless, Langho does have some facilities within the settlement, including a small convenient store, a pharmacy and two primary schools. It is also well served by public transport via bus services through the village and along the A59 as well as the rail services that stop at the station, which stands adjacent to the site.
12. The railway line, nonetheless, separates the main part of the settlement and the site. Access from the developed site to local services would be constrained to some extent for at least some of its residents. The constraints are chiefly due to distance, pedestrian / cyclist safety, including in Whitehalgh Lane, and the presence of steps, notably those associated with the railway station and railway underpass. These would be eased, but not fully resolved, by proposed mitigation, including a pedestrian link to and traffic calming within Whitehalgh Lane, footway/cycleways on the A59, improved road crossings, and enhanced bus stops.
13. The A59 functions as a main bus corridor, providing reasonably regular services to nearby centres, including Clitheroe, Whalley, and Blackburn. These centres offer a wide range of employment, education, and retail opportunities. The appeal scheme would improve existing facilities associated with those bus services via bus stops, improved pedestrian access to those stops, and payments to support public transport and modal shift away from the private car. The highways specific SoCGs, including with the County Council as local highway authority, indicate that the measures proposed would reduce reliance on the private car.
14. I am also mindful of the evidence associated with the 'Connectivity Tool'. This is a population-based tool, which indicates that 80% of the UK population is based in a location which is more accessible than the appeal site. In the context of the UK's highly populated urban areas and bearing in mind the site's rural location, this is unsurprising. Nonetheless, the evidence suggests that, for a rural area, the site's score of 50 performs reasonably well in terms of connectivity. This too is unsurprising given the existing nearby bus and rail services.
15. Overall, while it would not be ideal in this regard, the appeal scheme would offer a genuine range of transport options to residents, which would allow appropriate access to services and opportunities within Langho or elsewhere without reliance on private cars. The proposed station car park would also be likely to promote the use of the railway station. Therefore, the appeal scheme would be likely to have an acceptable effect on sustainable modes and patterns of transport. On this basis, it would accord with Key Statement DMI2 (Transport Considerations) and Policies DMG1 and DMG3 (Transport and Mobility) of the Local Plan as well as with the Framework, in these respects.

Biodiversity

16. The extent of disagreement between the main parties relating to biodiversity has narrowed substantially, as reflected in the two topic specific SoCGs. By the time

the Inquiry opened, the points of dispute related only to lowland meadow and biodiversity net gain (BNG).

17. The Council maintains that the proposed translocation of the lowland meadow, as a priority habitat, from its current location to another part of the appeal site would not follow the mitigation hierarchy of Framework para 193(a), which advises avoidance of harm. For similar reasons, it also maintains that the Biodiversity Gain Hierarchy would not be followed. I am not persuaded, however.
18. Nonetheless, had I adopted the Council's position on these matters, there would remain several important countervailing considerations, which in my view indicate that any biodiversity harm and associated policy conflict would be mitigated and / or outbalanced by related biodiversity considerations. Central to this conclusion are the existing and likely future condition of the lowland meadow habitat on site compared to what is proposed.
19. The lowland meadow is of poor quality at present. It seems likely that this is due, at least in part, to the site-at-large being grazed by horses. There is currently no management regime in place to improve the condition of this priority habitat. Were the appeal to be dismissed, there is no good reason to believe that this would change. Indeed, it seems most likely that grazing would continue and that this would lead to further deterioration in the condition of the lowland meadow.
20. In contrast, were the appeal scheme to proceed, the sward would be moved to an inaccessible part of the site where it would be actively managed. While there is a risk that the translocation would not work, this approach has been successful elsewhere. The evidence indicates that the prospects of it being a success in this particular case are good. Rather than simply attempting to replicate the existing habitat over time, what is proposed offers genuine ecological continuity, albeit in a different location within the appeal site.
21. The proposals would deliver a net gain of 1.92 units of lowland meadow at the appeal site. Additionally, off-site compensation within Ribble Valley Borough is also proposed. The combined package would deliver a net gain of some 113% in lowland meadow units.
22. For the foregoing reasons, therefore, the appeal scheme would have an acceptable effect on biodiversity, including in terms of BNG. In these regards, it would accord with Key Statement EN4 and Policy DME3 of the Local Plan, as well as with the Framework and relevant statutory requirements.
23. Although I have not, even if I had accepted the Council's case that there would be conflict with Local Plan Key Statement EN4 and Policy DME3 and Framework para 193, due to the existing circumstances and future uncertainty associated with the lowland meadow compared to the likely biodiversity benefits offered by the appeal scheme, as outlined above, any such policy conflict would be clearly outweighed.

Further Considerations

Other Matters

24. The Council did not defend its first refusal reason regarding alleged conflict with the spatial strategy for the area as set out in the Local Plan. Although they were cited in that reason for refusal, the Council no longer contests conflict, in this regard, with Key Statements DS1 (Development Strategy) and H2 (Housing Balance) and

Policies DMG2 and DMH3 (Dwellings in the Open Countryside & the AONB) of the Local Plan. Nonetheless, as the site is located outside the settlement boundary of Langho, in the open countryside, the appeal scheme clearly was not envisaged by the Local Plan and is at odds with the spatial strategy for the location of new housing.

25. Although the main parties have differing views on the extent of the housing delivery shortfall, it is common ground between them that the Council cannot currently demonstrate a Framework compliant supply of housing land. While it may be lower, I have used the Council's figure of some 3.5 years as a benchmark to assist in making my decision. Accordingly, that the appeal development would be at odds with the spatial strategy for the Borough and conflict, in that regard, with the Local Plan, currently carries limited weight.
26. The evidence also refers to other appeal decisions. Those in other areas would have been the subject of different development plan policies compared to those before me. Moreover, I am not familiar with the full circumstances of any of those cases. While I am mindful of the importance of consistency in appeal decision making, it is also important that each decision is made on its individual merits. So, although I have taken all of the other appeal decisions into account, I have assessed and determined this appeal on the basis of the evidence before me in the relevant policy context. Having done so, none have altered the outcome of the appeal.

Interested Parties

27. In addition to the main issues and the other foregoing matters, concern has been expressed, including by those who spoke at the Inquiry, in respect to a number of considerations. These include the appeal development's effect on highway safety and congestion, including for pedestrians and cyclists; on flood risk; on living conditions of neighbours during the construction stage and following completion of the development, including in respect to noise, lighting, air quality and privacy; on wider biodiversity considerations; on anti-social behaviour; on public health; on peace and community cohesion; on urban regeneration; on the historic environment; on confidence in the development planning process; on house prices; on public rights of way; on local taxes; on noise, air, litter, light and water pollution; on parking; on horses; and on tourism.
28. The concerns raised also relate to the adequacy of existing and proposed infrastructure, services and facilities, including highways, public transport, cycling, recreation, pedestrian, drainage, sewerage, education, pre-school, village hall, retail, garage, pub, refuse, parking and medical; the scale of the development relative to the existing settlement and population; alleged lack of need for the housing, including affordable housing, or the car park; the loss of agricultural land; the potential creation of a precedent for other development; whether the additional homes would encourage use of public transport; the adequacy of public engagement; compliance with the development plan and the Framework; whether the station car park would encourage use of the car; and whether acceptable living conditions would be secured for residents of the development.
29. The objections also concern whether there are sites elsewhere better suited to this type of development; alleged shortcomings in the assessment of the development, including highways matters; overhead powerlines; trees; prematurity in the context

of the emerging local plan; a private water supply that crosses the site; affordability of the proposed homes; accessibility for all; delivery and monitoring of proposed mitigation; proposed tree planting; consistency of decision-making; settlement pattern; public open space and access to the existing woodland; existing and future rail use from Langho Station; renewable energy; the mix of proposed dwellings; density; access to employment; cumulative effects with other development.

30. These matters are largely identified and considered within the Council officer's report on the appeal scheme such that they were before the Council when the planning application was determined. They were also before it when it prepared its evidence and when it submitted its case at the Inquiry and are largely addressed in its evidence and in the various SoCGs. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in these respects subject to the imposition of planning obligations and conditions as discussed below.

Planning Obligations

31. In the event that planning permission were to be granted and implemented, the planning obligations within the Legal Agreement and the UU would secure:
- Delivery of on-site affordable housing, split 50/50 between affordable rented units and shared ownership or discount sale units, at an overall rate of 30% of the developed dwellings;
 - Delivery of over 55s accommodation on-site at a rate of 15% of the developed dwellings;
 - Delivery of the proposed railway station car park;
 - Delivery of the proposed on-site open space;
 - Arrangements for the maintenance and management of the proposed on-site public open space and car park;
 - A series of BNG Monitoring Reports;
 - Payments to be used to deliver:
 - Off-site 'open space' in the form of improved facilities at Langho Football Club;
 - Healthcare facilities through the expansion of the current Whalley Medical Centre premises;
 - On and off-site BNG land monitoring;
 - Public transport support;
 - Travel Plan support, promotion, monitoring and evaluation;
 - Incentivisation of modal shift amongst residents of the development linked to targets in the Travel Plan; and
 - Additional secondary education places at St Augustine's Roman Catholic School, Ribblesdale School, Bowland High School, Clitheroe Royal Grammar School, Longridge High School or St Cecilia's Roman Catholic Technology College.
32. The Council and the County Council have both submitted detailed statements (the CIL Compliance Statements), which address the application of statutory

requirements to the planning obligations within the Legal Agreement and the UU, and include the relevant planning policy support / justification.

33. I have considered the planning obligations of the Legal Agreement and of the UU in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I am satisfied that those obligations would be required by and accord with the policies set out in the CIL Compliance Statements. Overall, I am satisfied that all of those obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

Conditions

34. A schedule of 35 suggested conditions has been prepared jointly by the Council and the appellant. It includes the standard timing, implementation and reserved matters conditions. I have considered these in the light of government guidance on the use of planning conditions and made amendments accordingly. Of these 35 suggested conditions all but four are agreed between the main parties. Two are not considered necessary by the appellant. The remaining two are considered necessary by both main parties, but there remains disagreement between them regarding their precise wording.
35. To ensure that facilities, including public open space, are provided in a timely manner as part of the development relative to the proposed residential development, conditions would be necessary to control the phasing and detail of various aspects of the appeal scheme. In order to provide certainty, particularly in respect to the matters that are not reserved for future consideration, a condition requiring that the development is carried out in accordance with the approved plans would be necessary. A condition to control the detail and timing of the proposed station car park would be necessary in the interests of promoting sustainable modes of transport.
36. In the interests of highway safety, traffic management and to secure a satisfactory standard of development, a condition would be necessary to secure the proposed highways works. These include: footway/cycleways, signalised toucan crossing, reduction in speed limit to 40mph with enhanced gateway features and associated signing/lining on the A59; pedestrian/cycle link on Whitehalgh Lane with reduction of speed limit to 30mph and associated lighting and traffic calming measures; an upgrade of the zebra crossing and central pedestrian island on Whalley Road; and the upgrade/provision of bus stops on Whalley Road and the A59.
37. Also in the interests of highway safety, traffic management and to secure a satisfactory standard of development, conditions would be necessary to control details of on-site roads and the timing of implementation, as well as to secure their maintenance. To promote sustainable modes of transport, conditions would be necessary to secure the details and the delivery of the proposed pedestrian/cycle link onto Whitehalgh Lane and pedestrian link to Whalley Road via the existing public footpath as well as implementation of the Travel Plan.
38. To secure satisfactory living conditions would be achieved for occupiers of the site, a condition would be necessary to ensure the development complies with prescribed noise level criteria. A condition to ensure that the development proceeds in accordance with the appellant's Air Quality Assessment would be necessary in the

interests of air quality. Conditions to manage surface water during construction and to help secure the installation and management of sustainable drainage would be necessary in the interests of flood prevention and biodiversity, to provide appropriate and adequate facilities and to protect the environment.

39. To protect the character and appearance of the area and in the interests of biodiversity, conditions would be necessary to ensure that retained trees are protected during the construction stage and to control lighting at the development. Also in the interests of biodiversity, conditions to secure the provision of biodiversity enhancement, reasonable avoidance measures for amphibians and the eradication of the Himalayan balsam on the site, the implementation of a Biodiversity Net Gain Plan, a strategy for the translocation of the lowland meadow, a Biodiversity Method Statement, a Construction Environmental Management Plan and a Habitat Management and Monitoring Plan, and measures to protect badgers.
40. A condition to safeguard against contamination that might affect the site, including unsuspected contamination, along with any requisite remediation, would be necessary to protect the health and well-being of future occupiers and off-site receptors as well as in the interests of biodiversity. To protect highway safety and the living conditions of local residents, a condition would be necessary to secure the implementation of a Construction Management Plan.
41. A condition would be necessary to secure the implementation of a strategy to protect the Ancient Woodland and in the interests of biodiversity. While I am mindful that the appellant would prefer greater flexibility in respect to the effect of this condition, given the importance and sensitivity of the Ancient Woodland, I have favoured the Council's preferred wording.
42. A condition would be necessary to secure the implementation of a Public Rights of Way Management Scheme in the interests of public safety and to provide a welcoming, attractive walking route through the site. In this case I have favoured the appellant's preferred wording on the basis it would afford reasonable flexibility while ensuring the timely, safe delivery of the Scheme.
43. The Council requested two further conditions. However, neither would be necessary. This is because the limit on the number of dwellings would be controlled via the description of the proposed development and building heights would be controlled by other proposed conditions. Therefore, neither should be imposed.

Planning Balance

44. I have found that the proposed development would have a harmful effect on the character and appearance of the area contrary, in that regard, to Local Plan Policies DMG1, DMG2 and DME2 as well as Framework para 135. This harm and the associated development plan policy conflict collectively carry significant weight against the appeal proposals.
45. For the reasons outlined above, I have not found that the application of policies in the Framework that protect areas or assets of particular importance, including in respect to biodiversity, provides a strong reason for refusing the development proposed. As the Council cannot currently demonstrate a Framework compliant supply of housing land, the so-called tilted balance applies, as set out in para 11 of the Framework. It provides that planning permission should be granted unless any

- adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, they do not, such that planning permission should be granted.
46. Even when applying the Council's roughly 3.5 years supply figure, there is a serious and significant shortfall in housing delivery. It is unclear how and when this shortfall will be fully addressed. Within this context, the provision of up to 210 market homes, adjacent to an existing well-established settlement, carries significant weight in favour of the appeal scheme.
47. The development would also deliver up to 90 affordable homes. The evidence indicates that there is substantial unmet need for affordable housing in the Borough. The benefit of providing affordable homes differs from that of delivering market housing as they each respond to related yet discrete needs. Accordingly, the proposed provision of affordable housing also carries its own significant weight in favour of the appeal development.
48. Therefore, even without the 'tilted balance' the identified harm would be comfortably outweighed by the combined benefits of delivering the proposed market and affordable housing. Moreover, although I have not, had I agreed with the Council regarding the effect of the appeal scheme on sustainable modes and patterns of transport and on biodiversity, including in terms of BNG, it would not have altered the outcome of the planning balance due to the weight that I consider these matters would carry in this particular case.
49. I have not, but had I found that the development were to conflict with Local Plan Key Statement DMI2 and Policies DMG1 and DMG3 and the Framework in terms of its effects on sustainable modes of transport / patterns of development, that harm would attract no more than moderate weight bearing in mind the services that are available and fairly accessible in Langho or that are reasonably accessible by public transport elsewhere.
50. Similarly, had I found that the appeal scheme were to conflict with Local Plan Key Statement EN4 and Policy DME3 as well as with the Framework in terms of its effects on biodiversity, due to the existing circumstances and future uncertainty associated with the lowland meadow compared to the likely biodiversity benefits offered by the appeal scheme, any harm would carry no more than moderate weight rather than the significant weight claimed by the Council.
51. If these two matters and the conflict with the area's spatial strategy were combined with the harm to the character and appearance of the area and the associated development plan policy conflict, while collectively weighty, they would be outweighed by the substantial combined weight of the benefits associated with the delivery of market, affordable and over-55s housing alone, without taking into account wider, more modest benefits.
52. There is no doubt, therefore, that the appeal scheme would be sustainable development in the terms of the Framework for which there is a presumption in its favour. This is a material consideration that, in the particular circumstances of the case, outweighs the alleged conflict with the development plan as a whole, such that planning permission should be granted for the proposed development subject to the identified mitigation.

Conclusion

53. For all of the reasons given above and subject to the identified conditions, the appeal should be allowed.

G D Jones

INSPECTOR

APPEARANCES¹

FOR THE LOCAL PLANNING AUTHORITY:

Shemuel Sheikh, Counsel

Instructed by Mair Hill, Ribble Valley Borough Council

He called

Carl Taylor BA(Hons) LADip
CMLI

Landscape and Visual Impact

Derek Richardson BSc(Hons)
MPhil

Biodiversity

Chris Carter BA(Hons) Oxon
MCIHT

Sustainable Transport

Kathryn Hughes MPI MRTPI

Affordable Housing and Planning

FOR THE APPELLANT:

Paul Tucker², King's Counsel

Instructed by Mark Saunders, NJL Consulting

He called

Andrew Cook BA(Hons) MLD
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Sustainable Transport

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Planning

INTERESTED PERSONS:

Richard Evans

Local Resident

Chris Heap

Local Resident

Anne Slee

Local Resident

Tony Austin

Local Resident

Christopher Chadwick

Local Resident

Philip Collier

Local Resident

¹ Additionally, Lyndsey Hayes of Ribble Valley Borough Council and Kathryn Lawrance of Bevan Brittan LLP for the Council and Elliott Bullock of NJL Consulting and Ellis Cleland of Walker Morris LLP for the appellant contributed to the conditions and planning obligations sessions

² Assisted by Constanze Bell, Counsel

DOCUMENTS submitted at the Inquiry

ID01 - Replacement Plans:

- a) Illustrative Masterplan Drawing no. 0101 Rev. G
- b) Parameter Plans Movement & Access Drawing No. 0103
- c) Landscape Masterplan P24-2318-EN-07-C

ID02 - Site visit itinerary plans

ID03 - Appellant's Opening

ID04 - Appellant's Appearances

ID05 - Council's Opening

ID06 - Council's Appearances

ID07 - Suite of Suggested Planning Conditions, including final set of 11 May 2025

ID08 - Plan showing full extent of Local Character Area

ID09 - Parking notes for viewpoints

ID10 - Not used

ID11 - Final S106 and UU dated 26 May 2026

ID12 - Note on On-Site (Access) Loop Road

ID13 - Note on Connectivity Tool of 50

ID14 - Note on Affordable Housing

ID15 - Errata – Amendments to James Stacey's Proof of Evidence

ID16 - Lancashire County Council CIL Compliance Statement

ID17 - Appellant's note on the UU responding to Lancashire County Council

ID18 - Council's closing submissions

ID19 - Appellant's closing submissions

SCHEDULE OF CONDITIONS FOR APPEAL REF 6002485:

1. An application(s) for approval of all the Reserved Matters, namely appearance, layout, scale and landscaping, of the site shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development shall be begun not later than whichever is the later of the following dates:
 - a) The expiration of three years from the date of this permission; or
 - b) The expiration of two years from the final approval of the reserved matter or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Application(s) for approval of the Reserved Matters relating to scale and layout shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to the ground levels adjoining the site) including the levels of the proposed roads.
3. Prior to the commencement of development, a plan indicating the phasing of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include the development phases and completion sequence, estate streets for each phase, details of the number of units, housing mix, affordable units, older persons housing, the new pedestrian/cycle access onto Whitehalgh Lane and delivery of public open space and the railway station car park. The development thereafter shall be carried out in complete accordance with the approved phasing plan.
4. Unless explicitly required by a condition within this permission, the development hereby permitted shall be carried out in complete accordance with the following plans:
 - Site Location Plan - Drawing No 0100
 - Parameter Plan - Land Use & Heights - Drawing No 0102
 - Parameter Plan - Movement and Access - Drawing No 0103
 - General Arrangement - Drawing No 100-P-001
 - Engineering Layout - Drawing No 100-P-002.
5. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in the general location shown on the approved Drawing No 0101 Rev G.
6. No less than 43 spaces, including 5 accessible spaces, shall be provided on the site in the general location shown on the Parameter Plan - Land Use & Heights - Drawing No 0102 for the development of a railway station car park. No more than 75% (seventy five percent) of the total dwellings permitted shall be occupied until the railway station car park has been completed and is operational.
7. Details of the proposed arrangements for the future management and maintenance of the estate road within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.
8. Prior to the commencement of development full engineering, drainage, street lighting and constructional details of the internal estate roads shall have been submitted to and approved in writing by the Local Planning Authority. The

development shall, thereafter, be constructed in accordance with the approved details.

9. Details of the pedestrian/cycle link onto Whitehalgh Lane and pedestrian link to Whalley Road via FP03-06006a shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The details shall include provision for the design of access and surfacing, widths, gradients, landscaping and structures. The approved details shall be implemented prior to first occupation of any dwelling hereby permitted.
10. The Framework Travel Plan Doc ref 4094 by Hydrock Fore dated 6 March 2025 shall be implemented in strict accordance with the actions and timetable contained within the Travel Plan Actions and Measures at Section 5.
11. No dwelling shall be occupied until the carriageway and any footpath or footway from it which it gains access is constructed to base course level and connected to the existing highway network with any street lighting installed and in operation. The penultimate dwelling of any approved phase shall not be occupied until the access routes serving the development have been completed to wearing course level.
12. Prior to the commencement of development, a scheme for the site access and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling:
 - a) New site access on the A59 and associated works shown on Drawing Nos 100-P-001 and 100-P-002, including new footway/cycleways on the A59, new signalised toucan crossing, reduction in speed limit to 40mph with enhanced gateway features and associated signing/lining;
 - b) New pedestrian/cycle link on Whitehalgh Lane with reduction of speed limit to 30mph with associated lighting and traffic calming measures;
 - c) Upgrade of zebra crossing and central pedestrian island on Whalley Road near Olive Bank and the primary school; and
 - d) The upgrade/provision of 4 bus stops (2 x Whalley Road A666 and 2 x Longsight Road A59) to support all users to travel to/from the site sustainably.
13. a) The residential development hereby permitted shall be designed so that noise levels at each dwelling do not exceed the following levels as assessed in accordance with British Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance):

LAeq 55 dB 16 hours - gardens and outside living areas, daytime (07.00-23.00)

LAeq 35 dB 16 hours - indoors, daytime (07.00-23.00)

LAeq 30 dB 8 hours - indoors, night-time (23.00-07.00)

LAFmax 45 dB 8 hours - indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours - indoors evening (19.00-23.00)

*The evening standard LAFmax will only apply where the evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour.

b) Where noise mitigation measures are required to ensure compliance with the noise levels specified above e.g. acoustic glazing, noise barrier fencing and

ventilation, such mitigation details shall be submitted in each reserved matters application(s) relating to layout or appearance, demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

14. The development shall be carried out in strict accordance with measures set out in Section 7 (Mitigation) and Section 8 (Achieving Compliance with the PM2.5 Targets) of the Air Quality Assessment by Logika dated 25 February 2025.
15. No development shall commence in each approved phase until a detailed, final surface water sustainable drainage strategy for that phase has been submitted to and approved in writing by the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific Flood Risk Assessment (26 February 2025 / 49343-ECE-XX-XX-RP-C-0001_Issue 3 / Eastwood) and indicative surface water sustainable drainage strategy (26 February 2025 / 49343-ECE-XX-XX-RP-C-0002_Issue 3 / Eastwood) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i 100% (1 in 1-year) annual exceedance probability event;
 - ii 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.

Calculations shall be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

- v Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

16. The occupation of any dwelling within each approved phase of development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system for the relevant phase, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report shall, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

17. The occupation of any dwelling within an approved phase of development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system of that phase and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include:
- a) A timetable for its implementation;
 - b) Details of the maintenance, operational and access requirement for all Sustainable urban Drainage Systems components and connecting drainage structures, including all watercourses and their ownership;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

18. No approved phase of development shall commence until a Construction Surface Water Management Plan for that phase, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals and shall include for each phase:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that shall not exceed the equivalent greenfield runoff rate from the site; and
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

19. During the construction period, all trees to be retained within the site shall be protected in strict accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

Furthermore, root protection measures shall be set up along the western boundary of the adjacent woodland to the northeast of the site. The exclusion zones shall remain in place throughout the demolition and construction phases and fully accord with the methodology set out in BS 5837:2012 during all site preparation/construction works.

No materials, soil, spoil or other substance shall be stored within the protective areas at any time and no changes in land levels shall occur within these areas. Any no-dig, hand-digging and protective membranes shall only occur within the protective areas with the prior written approval of the Local Planning Authority.

20. Notwithstanding the submitted details, and prior to the installation of external lighting, a "lighting design strategy for biodiversity" in accordance with ILP Guidance Note for the reduction of obtrusive light 2021 (or later versions) and ILP Publications Guidance Note 08/23 Bats and Artificial Lighting at Night shall be submitted to and approved in writing by the Local Planning Authority for all

proposed lighting within the development hereby permitted. The strategy shall be based upon the site being within Zone E2 Rural with low district brightness:

- a) Identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not cause further disturbance or prevent use of territory or restrict access to breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Under no circumstances shall any other external lighting be installed without prior written approval from the Local Planning Authority.

21. Prior to the commencement of development, a Plan by an appropriately experienced ecologist shall be submitted to and approved in writing by the Local Planning Authority of the location of biodiversity features (e.g. bat bricks, bird boxes) to be provided. The approved Plan shall show the number, location and specification of the features. All approved features shall be installed in the presence of an appropriately qualified ecologist prior to first occupation of the dwelling on which they are located and retained thereafter.
22. No development shall commence on site, including any vegetation clearance, earth moving or other enabling works, until such time as a Reasonable Avoidance Measures Strategy for amphibians (common toad) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include the following measures:
 - Location of suitable protective fencing; and
 - Details of management of habitats and supervised (Ecological Clerk of Works) hand searching of features to be removed.The development shall be undertaken in accordance with the approved details.
23. A scheme for the eradication of the Himalayan balsam on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The development shall thereafter be carried out in strict accordance with the approved measures.
24. The Biodiversity Net Gain Plan for the entire development shall be prepared in accordance with the principles outlined in the submitted Biodiversity Net Gain Strategy (Rev A, November 2025). Any phase biodiversity gain plan shall be in accordance with the Overall Biodiversity Gain Plan submitted to and approved in writing by the Local Planning Authority for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act.
25. Prior to the commencement of each approved development phase a re-survey of the site and adjoining land / ditches within a 30m buffer of the site shall be undertaken (unless proven to be inaccessible) for the presence of badgers together with proposals for mitigation/compensation, if required, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning

Authority. Any approved mitigation measures shall then be implemented in accordance with the approved details and timetable.

26. No approved phase of development shall commence until a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan for that phase (as required by the 'Statutory Biodiversity Condition'), has been submitted to and approved in writing by the Local Planning Authority (LPA).
- a) This shall include details of:
 - (i) A non-technical summary;
 - (ii) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (v) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the LPA.
 - b) Notice in writing shall be given to the LPA when the:
 - (i) HMMP has been implemented; and
 - (ii) Habitat creation and enhancement works as set out in the HMMP have been completed.
 - c) There shall be no occupation of any dwellinghouse approved until:
 - (i) The habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - (ii) A completion report, evidencing the completed habitat enhancements, has been submitted to and approved in writing by the LPA.
 - d) The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
27. Prior to the commencement of development, a Biodiversity Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall be in accordance with the principles of the mitigation measures set out in Table 8 of the Ecological Impact Assessment by FPCR Environment & Design dated November 2025. The details shall include but not be limited to:
- a) Specification and location;
 - b) Programme and timetable for implementation;
 - c) Persons responsible for implementing the works;
 - d) Details of initial aftercare and long-term maintenance; and
 - e) Details of monitoring and remedial measures.

The development shall be carried out in accordance with the approved details, and all enhancement measures shall thereafter be retained as such in perpetuity.

No site, preparation, scrub/hedgerow clearance or tree works/removal shall be undertaken on the site during the bird breeding season (March - August inclusive) unless a pre-work nesting bird survey of the site has been undertaken by a licenced ecologist.

28. Prior to the commencement of development within the site or within an approved phase:
- a) A site investigation report for the site (or approved phase) shall be submitted to and approved in writing by the Local Planning Authority (in line with the principles of the submitted Preliminary Geoenvironmental Investigation Report no 5200/A1 by LITHOS dated February 2025) to identify the types, nature and extent of land contamination affecting the site (or phase) together with the risks to receptors and potential for migration within and beyond the site which has been carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001; and
 - b) In the event that the above report identifies the need for remediation, then a remediation strategy for the site (or approved phase) to include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) shall be submitted to and approved in writing by the Local Planning Authority. All approved remediation measures shall be carried out in accordance with the approved measures and timetable.

Prior to first occupation of any dwelling requiring remediation, a validation report providing results of the verification programme of post-remediation sampling shall be submitted to and approved in writing by the Local Planning Authority to confirm that the approved remediation measures have been carried out in accordance with the approved details.

29. Prior to commencement of development operations, including ground investigation and vegetation removal, a detailed strategy for the translocation of the lowland meadow shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall follow the outline prescriptions provided in the Biodiversity Net Gain Strategy (dated November 2025). The strategy shall also provide further detailing including:
- The timing for the translocation exercise;
 - The precise location of the receptor site;
 - Details for the preparation and translocation of the area of lowland meadow; and
 - Details for the preparation of the receptor site.

Within 21 days of completing the translocation exercise, a report detailing compliance with the approved translocation exercise shall be submitted to the Local Planning Authority. Thereafter, long-term management and remedial measures shall be undertaken in accordance with the approved Habitat Management and Monitoring Plan.

30. No approved phase of development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local

Planning Authority for that phase. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timings of sensitive works to avoid harm to biodiversity features;
- e) The times during which construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs if applicable; and
- i) Details of the means of protecting trees, hedgerows and the watercourse during the construction of development.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

31. No approved phase of development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved Plan shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) The loading and unloading of plant and materials;
- iii) The storage of plant and materials used in constructing the development;
- iv) The erection and maintenance of security hoarding;
- v) Arrangements during construction period to minimise the deposit of mud and other similar debris on the adjacent highways, i.e. wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction;
- vii) Control of noise and vibration emanating from the site during the construction period;
- viii) External lighting of the site during the construction period;
- ix) Scheme for recycling/disposing of waste resulting from demolition and construction works;
- x) Details of working hours; and
- xi) Routing of delivery vehicles to/from site.

The construction of the development shall be carried out in strict accordance with the approved CMP.

32. Any reserved matters application relating to layout shall include details of a strategy for the establishment and management of a 15m buffer zone surrounding the Ancient Woodland together with an ecological corridor within the site to provide

connectivity to the Ancient Woodland shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall provide details for the implementation of native species woodland or scrub within the buffer zone and corridor. The strategy shall not permit informal recreational use or development in the buffer zone and no formal footpaths shall be provided in the buffer zone. The development shall be carried out in accordance with the approved strategy.

33. Prior to the commencement of development, a Public Rights of Way Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for:
- a) The design of access and public rights of way route and their surfacing, widths, gradients, landscaping and structures;
 - b) Any proposals for the diversion or extinguishment of Public Rights of Way and alternative route provision as part of a Public Path Order; and
 - c) Any proposals and phasing for the diversion and temporary closure of Public Rights of Way and alternative route provision as part of a Traffic Regulation Order.

The approved scheme shall be implemented prior to occupation of the 50th dwelling hereby permitted.

Appendix D: Chatburn Old Road Appeal Decision

Document Reference & Key Details

- **Appeal Reference:** APP/T2350/W/25/3372635
- **Site Address:** Land to South of Chatburn Old Road, Chatburn, BB7 4QG
- **Development Proposal:** Permission in Principle for 1 to 9 dwellings
- **Appellant:** Mr Ronald Jackson
- **Local Planning Authority:** Ribble Valley Borough Council
- **Inspector:** Elaine Moulton BA (Hons) BPI MRTPI
- **Decision Date:** 7 January 2026
- **Outcome:** Appeal Allowed (Permission in Principle Granted)

Summary & Inspector Directives

- **5-Year Housing Land Supply Benchmark:** This decision formally established that Ribble Valley Borough Council can only demonstrate a deliverable housing land supply of **3.45 years** (a real-world shortfall of over 500 units).
- **Rejection of Past Over-Supply Deductions:** The Inspector explicitly rejected the Council's practice of deducting past over-supply to artificially reduce its future housing requirement, ruling that such an approach impedes the national objective to significantly boost housing supply.
- **Out-of-Date Development Plan Policies:** As a direct consequence of the 3.45-year supply deficit, the Inspector confirmed that Core Strategy Policies DMG2 (Strategic Considerations) and DMH3 (Dwellings in Open Countryside) are legally **out-of-date** under Footnote 8 of the NPPF.
- **Application to Current Appeal:** The Inspector should direct their attention to Paragraphs 10–23 and Paragraph 30 of this decision. This decision confirms that the Council's restrictive settlement boundary policies are out-of-date, legally engaging the presumption in favour of sustainable development under NPPF Paragraph 11(d).



Appeal Decision

Hearing held on 9 December 2025

Site visit made on 9 December 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2026

Appeal Ref: APP/T2350/W/25/3372635

Land to South of Chatburn Old Road, Chatburn, BB7 4QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Ronald Jackson against the decision of Ribbles Valley Borough Council.
 - The application Ref is 3/2025/0414.
 - The development proposed is residential development of up to nine dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 dwelling and a maximum of 9 dwellings at Land to South of Chatburn Old Road, Chatburn BB7 4QG in accordance with the terms of the application, Ref 3/2025/0414, dated 23 May 2025.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - a) Whether the site is a suitable location for the proposed development, having regard to local policy; and
 - b) Whether any harm would be outweighed by other material considerations, in particular whether the Council can currently demonstrate a five-year housing land supply, the provision of affordable housing and economic benefits of the development.

¹ PPG Permission in Principle Paragraph: 012 Reference ID: 58-012-20180615

Reasons

Suitable location

5. Key Statement DS1 of the Core Strategy 2008 – 2028 (CS), adopted 16 December 2014, sets out a development strategy for the Borough. The strategy directs the majority of new housing development to an identified strategic site and the principal settlements of Clitheroe, Longridge and Whalley. In addition, it states that development will be focused towards Tier 1 Villages, which are the more sustainable of the defined settlements. The appeal site is, largely, outside of the defined boundary of Chatburn, which is identified as a Tier 1 Village.
6. CS Policy DMG2 indicates that outside of defined settlement areas, development must meet at least one of several considerations. CS Policy DMH3 states that within areas defined as open countryside, residential development will be limited to specified types. The main parties agree that, as the proposed development does not meet any of the listed considerations or exceptions, it does not accord with such policies. There is no evidence before me that would lead me to conclude differently.
7. Although within the open countryside, the appeal site adjoins the defined settlement boundary of Chatburn. Notwithstanding the gradients of the surrounding land, it has good pedestrian and cyclist access to the facilities and services it contains along the quiet Chatburn Old Road. Furthermore, the nearest bus stop is within a reasonable walking distance of the site which, according to the evidence before me, provides frequent bus services to and from the principal settlement of Clitheroe, as well as Skipton and Preston.
8. The future occupiers of the proposed development would not, therefore, be wholly reliant on the use of a private vehicle. As such, it would be in an accessible location. Nonetheless, it remains that the proposal conflicts with the policies identified above.
9. In conclusion, although in an accessible location, having regard to the identified conflict with CS policies DMG2 and DMH3, the site is not a suitable location for the proposed development.

Other considerations

Housing land supply

10. The main parties agree that the five-year housing land supply (5YHLS) should be calculated against local housing need using the standard method in the PPG, and that this equates to 311 dwellings per annum. There is also agreement that a 5% buffer applies. Based upon the evidence before me, I concur.
11. There is, however, disagreement between the main parties on two grounds. The first relates to how past over-supply of housing should be taken into consideration. The second issue relates to the extent of the deliverable supply.
12. It is the Council's position that the 5YHLS requirement should be reduced by the over-supply of previous years, 536 dwellings, which would reduce the requirement to 204 dwellings per annum, or 214 dwellings when the 5% buffer is applied. The

appellant contends that local housing need should not be reduced by over-supply. The effect of which would reduce the housing land supply position from 6.19 years, as advanced by the Council, to 4.05 years.

13. I acknowledge that the Framework and PPG do not rule out the use of past over-supply to reduce future housing requirements. Nevertheless, to adopt the approach of the Council, and that of the Inspectors in the decisions it has highlighted, would impede the achievement of the Government's objective to significantly boost the supply of homes. I therefore find that the forward-facing approach adopted in the appeal decisions and local plan examination letters that have been referred to by the appellant to be the most appropriate.
14. Thus, it is my judgement that past over-supply should not be used to reduce local housing need requirements in this case. This should not be seen as penalising the Council, as has been suggested, rather, it is part of the solution to the acute housing crisis that exists nationally.
15. Turning to the second matter of disagreement, the extent of the deliverable supply, it is now agreed that 74 dwellings on the site of land at Accrington Road, Whalley should be included in the housing land supply. However, the appellant considers that development on three other sites is not deliverable within the 5-year period and should not count towards the 5YHLS.
16. The disputed site, land at Highmoor Farm, Clitheroe, has the benefit of outline planning permission. The sale of the site and the submission of a reserved matters application is, however, dependent upon the completion of an agreement with the Council to facilitate the creation of an appropriate access. For this reason, the applicant for the outline planning permission, states that the completion of the sale of the land and the submission of a reserved matters application before the outline permission expires are hopeful rather than guaranteed. At the Hearing the Council advised that progress had been made on the agreement, but that it was not yet completed. Furthermore, there is no evidence before me that a performance agreement is in place that sets out the timescale for approval of a reserved matters application and the discharge of conditions.
17. In my view, it has not been demonstrated that firm progress has been made towards approving the reserved matters and, accordingly, there is no clear evidence that housing completions will begin on the Highmoor Farm site within the five-year period. Therefore, 75 dwellings should be removed from the 5YHLS.
18. There is currently no planning permission on the disputed site of land at Wilpshire (Salisbury View), although I note that, following pre-application discussions, a planning application for 80 dwellings was submitted on 1 October 2025, to which no technical objections have been received from statutory consultees. Nonetheless, even if I were to agree that the appeal decision, that dismissed a development of 84 dwellings on this site, supports the density of the current proposal, this is not sufficient to demonstrate that it will be permitted, particularly considering the strong objections from the relevant Parish Councils that were brought to my attention.
19. Furthermore, although I note that the Council indicate that it is likely that the application would be determined by Planning Committee in January or February 2026, at the time of the Hearing a report had not been published on an agenda. As such, as well as there being no certainty as to whether the proposal will be

permitted, it is unclear when a decision will be made on the application. Consequently, there is no clear evidence that the projected number of dwellings on this site can be delivered within the 5-year period. 75 dwellings should therefore be removed from the 5YHLS.

20. The disputed site, Standen Littlemoor Phases 5 & 6, also has the benefit of outline planning permission and a reserved matters application was submitted in March 2022. However, approaching four years later it remains undetermined and, as confirmed by the Council at the Hearing, amended plans are awaited. Although the Council anticipates that the application will be determined in early 2026, in the absence of a planning performance agreement that sets out the timescale for approval of reserved matters there is no certainty in this regard.
21. It is apparent that the developers are constructing dwellings on Phases 2 to 4 of the Standon Littlemoor site, but a significant number are yet to be completed. Although the Council does not predict any completions on Phases 5 & 6 until year 5, it is my view that no robust evidence has been presented to demonstrate that development will be carried out on such later phases within 5 years. Accordingly, a further 41 dwellings should be removed from the 5YHLS.
22. I therefore find that, at this point in time, the deliverable supply of housing amounts to 1,130 dwellings, which, in combination with the consequences of not deducting past over-supply from the local housing need requirements, reduces the housing land supply position to 3.45 years.
23. The Council has consistently delivered more completions than required since 2014/15, and there is no compelling evidence before me to suggest that this will not continue. This is a material consideration that tempers the weight to be given to housing delivery as a benefit of the proposed development. Nonetheless, given the significant shortfall in the 5YHLS at this time, I afford substantial weight to the proposed provision of housing, given that it is in an accessible location.

Affordable housing

24. The Council contends that because affordable housing could not be secured at this first, permission in principle, stage, the provision of on-site affordable housing should not be considered as a benefit that weighs in favour of the proposed development. Nevertheless, CS Key Statement H3 states that for developments of 5 or more dwellings (or sites of 0.2 hectares or more irrespective of the number of dwellings) on sites outside of the settlement boundaries of Clitheroe and Longridge, the Council will require 30% affordable units on-site. The policy also indicates that the Council will only consider a reduction in this level, to a minimum of 20%, where supporting evidence justifies it.
25. I note that, in a previous appeal decision on this site relating to the refusal of Technical Details Consent², the Inspector found that a financial contribution towards off-site provision equivalent to the 20% minimum level set out in policy could be supported. Whilst acknowledging that financial circumstances can change over time, I see no reason why affordable housing in some form could not be secured in connection with the current proposal at the technical details consent stage. However, as there remains uncertainty as to the level of affordable housing

² APP/T2350/W/23/3333973

provision, this benefit carries limited weight in support of the proposed development.

Economic benefits

26. There would be economic benefits arising from the construction of the proposed development, and expenditure by its future occupiers, which is quantified by the appellant. Although there is no certainty as to where the occupier expenditure would take place, it is reasonable to find that a considerable proportion would be spent in local shops, services and amenities given that they would be accessible and convenient. I therefore attach moderate weight to such benefits in favour of the proposed development.

Other Matters

27. Interested parties have raised concerns regarding the potential effects of additional traffic along Chatburn Old Road. However, based on what is before me, I agree with the Council that there are no highway grounds that would support the conclusion that the appeal site is not suitable for residential development. Furthermore, no robust evidence has been presented to conclude that local infrastructure, such as schools, lack capacity to accommodate the proposed development.
28. I have also had regard to the other matters raised by interested parties, including the effect of the proposed development on the character and appearance of the area, the living conditions of nearby residents, a protected tree, wildlife and habitats, a public right of way and drainage. Nonetheless, these relate to the details, and not the principle, of the proposed development. Accordingly, they are matters for consideration at this appeal and will be dealt with at the second (technical details consent) stage.

Planning Balance

29. The proposed development would conflict with the spatial strategy set out in the development plan as the site lies outside the settlement boundary of Chatburn. Furthermore, it would not meet any of the identified considerations or exceptions which are required for residential development to be acceptable in the open countryside.
30. I have found that the Council cannot demonstrate a 5YHLS. Accordingly, as set out in footnote 8 of the Framework, the most important policies of the development plan are considered to be out-of-date. Consequently, paragraph 11 d) of the Framework applies.
31. In its favour, the proposed development would make a modest contribution to the supply of housing, of up to 9 dwellings, in an accessible location. Given the significant shortfall in the 5YHLS at this time, I afford this substantial weight. Additionally, I attach moderate weight to its economic benefits and limited weight to the contribution that it could make in respect of affordable housing.
32. The adverse impact I have identified, arising from the conflict with the spatial strategy, would not significantly and demonstrably outweigh such benefits. Consequently, the presumption in favour of sustainable development applies and paragraph 11 d) indicates that permission should be granted. There are no other material considerations to override this finding.

Conditions

33. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle. Therefore, whilst I acknowledge that the conditions suggested by the Council all relate to matters within the scope of a permission in principle decision, I have not imposed them.

Conclusion

34. For the reasons set out above, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christian Hawley	Barrister, No 5 Chambers
Ben Pyecroft	Emery Planning
Caroline Payne	Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Erika Eden-Porter	Head of Strategic Housing and Planning
Stephen Kilmartin	Principal Planning and Urban Design Officer
Yvonne Smallwood	Planning Policy Officer

Appendix E: Stretton Close AONB Appeal Decision

Document Reference & Key Details

- **Appeal Reference:** APP/W0340/W/18/3211943
- **Site Address:** Land North of Stretton Close, Bradfield Southend, Reading, Berkshire, RG7 6EN
- **Development Proposal:** Outline permission for 11 dwellings
- **Appellant:** Westbuild Homes Ltd
- **Local Planning Authority:** West Berkshire Council
- **Inspector:** Baljit K Muston BA (Hons) PGDip MBA MRTPI
- **Decision Date:** 15 February 2019
- **Outcome:** Appeal Allowed

Summary & Inspector Directives

- **Precedent on "Major Development" in Designated Landscapes:** This appeal decision provides a definitive Planning Inspectorate precedent regarding the legal definition and threshold of "major development" within an Area of Outstanding Natural Beauty (AONB) / National Landscape under national policy.
- **Non-Major Status of Minor Housing Schemes:** The Inspector formally established that a residential development scheme of 11 dwellings within an AONB does **not** constitute "major development".
- **Application to Current Appeal:** The Inspector should direct their attention to Paragraphs 8–9 of this decision. This establishes that the current appeal proposal at The Warren (for a maximum of 3 dwellings) falls drastically below any threshold for major development. Consequently, the strict "exceptional circumstances" refusal test under NPPF Paragraph 190 cannot lawfully be applied to this proposal.



Appeal Decision

Site visit made on 4 December 2018

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2019

Appeal Ref: APP/W0340/W/18/3211943

**Land north of Stretton Close, Bradfield Southend, Reading, Berkshire
RG7 6EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Westbuild Homes Ltd against the decision of West Berkshire Council.
 - The application Ref 17/03411/OUTMAJ, dated 6 December 2017, was refused by notice dated 23 May 2018.
 - The development proposed is outline permission for 11 dwellings, with layout, means of access and scale to be determined.
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Decision

1. The appeal is allowed and outline planning permission is granted for 11 dwellings on land north of Stretton Close, Bradfield Southend, Reading, Berkshire RG17 6EN, in accordance with the terms of the application, Ref 17/03411/OUTMAJ, dated 8 December 2017, and the plans submitted with it, subject to the conditions contained in the schedule of conditions set out below.

Procedural Matters

2. The application is in outline form and the submitted plans are to be treated as indicative in relation to appearance and landscaping.
3. The Council's statement was received after the due date and the appellant has queried this and requested that I give further consideration to this issue. It is clear to me from the Council's refusal reason, submitted by the appellant, and from the appellant's grounds of appeal, what the Council's case amounts to. I do not consider that the appellant was prejudiced by the Council's statement of case, which set out their case more fully, being before me for consideration.

Main Issue

4. The main issue is whether the appeal site is suitable for housing, with regard to the character and appearance of the area, the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the policies of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026 (adopted 2017) (HSADPD).

Reasons

5. The appeal site is allocated by Policy HSA22 of the HSADPD, for "*approximately 10 dwellings*". This policy includes requirements that the site will be developed in accordance with the Landscape Capacity Assessment (2014), that an arboricultural survey will be required to inform its delivery, that it will include the retention and enhancement of the existing tree belt and woodland group in the north western corner, and that the small woodland group in the eastern corner will be retained. Many of these trees are protected by a Tree Preservation Order (TPO). It appears that at the time the site was allocated, the developable area was defined, which excluded the north-western corner of the site. The defined settlement boundary of Bradfield Southend was then drawn to exclude that corner of the site. Policy C1 of the HSADPD says that "*there will be a presumption against new residential development outside of the settlement boundaries*".
6. It is clear from the evidence before me that the proposed layout in the appeal scheme has been informed by an Arboricultural Impact Assessment (AIA) and by a Landscape and Visual Impact Assessment (LVIA). It has therefore taken full account of the constraints that caused the Council to draw the settlement boundary as it did.
7. I noted on my site visit that the appeal site as a whole is visually contained by the protected trees along its south-western and north-western boundaries. Other than being to the west of some outlying trees within the field, there is little to differentiate that part of the field outside the settlement boundary, where plots 7 and 8 are proposed, from the rest of the field within the settlement boundary. The protected trees will all be retained and the proposed dwellings logically constrained by the appeal site's well defined boundaries. The development would not result in visually isolated or sporadic dwellings in the countryside, as they would be seen as part of the existing settlement. The layout of the dwellings would be in keeping with the pattern of development in Bradfield Southend. I am satisfied that, subject to the control that exists at reserved matters stage, the dwellings could be designed to be sensitive to local character and architectural styling.
8. In relation to the wider AONB, paragraph 172 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. It also says that planning permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In footnote 55, it explains that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
9. The Council's Committee report says that, "*taking into account the amount of development, comparative to the size of the settlement, the location on the edge of the settlement, along with Bradfield Southend's relationship with Newbury, Pangbourne Reading and Thatcham's built up areas, it is considered that the proposed development does not amount to major development in terms of paragraph 116*" of the Framework. I agree with this assessment that the appeal proposal does not amount to major development within the AONB.

10. Taking into account all of the above, the proposal would be seen as a limited extension of the existing settlement that would be visually contained by mature landscaping that is within the site. As such, the scheme would have a neutral impact on the sense of remoteness and tranquillity associated with the AONB and its landscape and scenic beauty would be preserved.
11. I accept that the appeal proposal is contrary to Policy C1 of the HSADPD, by including residential development outside the settlement boundary. Section 38(6) of the Planning and Compulsory Purchase Act (P&CPA) 2004 says 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"*. In this case, the whole site is allocated for housing by Policy HSA22 of the HSADPD, the appeal proposal has been informed by an AIA and LVIA, the TPO trees would be retained, and the character and appearance of the area would not be harmed. I consider these to be significant material considerations that indicate that a decision otherwise than in accordance with Policy C1 of the HSADPD is appropriate in this case.
12. The Framework supports a plan-led approach to development. However, in my opinion, allowing this appeal is in line with the approach set out in the Framework and would not undermine the purposes of the development plan.
13. I conclude that the appeal site, including plots 7 and 8, is suitable for housing, and that the proposal would not harm the character and appearance of the area and would preserve the landscape and scenic beauty of the AONB.

Other Matters

14. Local residents have raised other matters, including the possibility of flooding, the inadequacy of the water supply and the proposed access, and harm to wildlife on the site. However, I note that none of the relevant consultees have objected on these grounds and nothing that I have read or seen on site persuades me that these matters outweigh my conclusion on the main issue.

Unilateral Undertaking

15. The appellants have submitted a signed and dated unilateral undertaking (UU), which provides for 4 of the 11 new dwellings to be affordable housing, 3 as social rented dwellings and 1 as a shared ownership dwelling. This is in line with that sought by the Council as set out in its Committee report, and no further comments on the UU have been received from the Council.
16. Regulation 122(2) of the Community Infrastructure Levy Regulations and paragraph 56 of the Framework both set out the three tests for a planning obligation constituting a reason for granting planning permission. These are that the obligation should be necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.
17. Policy CS6 of the West Berkshire Core Strategy (2006 – 2026) (CS), adopted in 2012, deals with affordable housing. It explains the need for affordable housing in West Berkshire. It seeks, by negotiation, on development sites of 15 dwellings or more (or 0.5 hectares or more) 30% provision on previously developed land and 40% on greenfield land. The appellant's UU satisfies this policy, which is itself in line with the Framework's advice on providing adequate

affordable housing. The UU is necessary to comply with Policy CS6 and to make the development acceptable in planning terms. By providing the affordable housing as a proportion of a development of market housing, the UU is directly related to the development. By meeting Policy CS6 of the CS, but not providing more affordable housing than has been sought, it is related in scale and kind to the development. The UU therefore meets the three tests and is appropriate.

Conditions

18. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.
19. The wording of the time limit condition has been altered to reflect that of S92(2) of the Town and Country Planning Act 1990 (as amended). A condition relating to compliance with the approved plans is necessary, in the interests of providing clarity and certainty. The suggested hours of work condition is also necessary, to protect nearby residential occupiers, as is a condition requiring the appellants to notify the Council of any unexpected contamination.
20. I agree that it is necessary to agree details of construction management and methods and, given that this deals with what may happen on and around the site as soon as development starts, that this needs to be agreed prior to work commencing. I do however agree with the appellants that the two proposed conditions can be combined and need not be prescriptive, as the Council can reject proposals that do not deal with relevant areas. As suggested by the appellants, I have also combined the two conditions requiring details of surfacing of the access to be submitted.
21. I agree with the Council that conditions are necessary to require the provision of parking and cycle parking, in the interests of highway safety and promoting sustainable means of transport respectively. A condition is needed to ensure the provision of sustainable drainage, although this need not be as prescriptive as suggested by the Council. I am imposing a condition requiring ecological mitigation to take place, as set out in the submitted Phase 1 Habitat Survey Report, in the interests of the ecology of the area. Given the importance of the protected trees on and around this site, I consider it necessary to impose a condition requiring development to take place in accordance with the AIA. Landscaping is a reserved matter, so a separate condition requiring a landscaping scheme is not required.
22. The appellants have suggested that, as the site is largely level and well screened, a condition requiring details of any spoil removal to be agreed is not relevant. However, I note that part of the Council's reasons for suggesting this condition is "*to ensure appropriate disposal of spoil from the development*". I agree that this is a valid reason for imposing the condition, which I have amended to only apply if spoil is to be removed, and to be less prescriptive.
23. The Council has also suggested a condition removing many permitted development rights from the new dwellings. However, paragraph 53 of the Framework says that "*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do*

so". I have not been provided with such clear justification and have therefore not imposed this condition.

24. The appellants in their final comments have stated that they are "*generally in agreement with the planning conditions proposed by the LPA*". They have not objected to any of these proposed conditions being pre-commencement conditions. I have therefore taken this as agreement to that element of the relevant conditions.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted.

Baljit K Muston

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall be carried out in accordance with drawing number 5085/201 REVISION B; 16.48-105; 16.48-106; 16.48-107 and CV8160478/SK01 REVISION P2 received on 18 December 2017, drawing number 16.48-101 REVISION F; 16.48-102 REVISION B; 16.48-104 REVISION A and 16.48-103 REVISION D received 27 February 2018; 903-02 and any plans and details approved under any subsequent approval of reserved matters applications and any conditions attached to such approvals.
- 4) Demolition or construction works shall take place only between 07:30 and 18:00 on Mondays to Fridays, between 08:30 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.
- 6) No development shall commence until a Construction Management Plan/Method Statement has been submitted to the Local Planning Authority. The plan/statement shall be implemented in full and retained until the

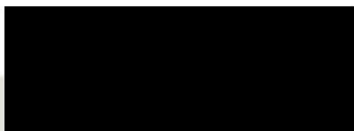
development has been constructed. Any deviation from this Statement shall be first agreed in writing with the Local Planning Authority.

- 7) No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.
- 8) No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.
- 9) No dwelling shall be occupied until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling without a garage shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and shall be retained for this purpose at all times.
- 10) No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the principles of the Glanville Flood Risk Assessment (dated 4 December 2017).
- 11) No development shall commence until a scheme of ecological mitigation and management including a plan showing locations of any proposal has been submitted to and approved by the Local Planning Authority. The scheme of mitigation shall be informed by the conclusions and recommendations within the submitted Phase 1 Habitat Survey Report dated November 2017 by Ecoconsult Wildlife Consultancy. The approved mitigation shall be retained thereafter.
- 12) The development shall be carried out in accordance with the Arboricultural Impact Assessment prepared by S J Stephens ref 903 and dated 29 September 2017.
- 13) No spoil shall be removed from the site until full details of how any spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority.



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