



**Section 78 Town and Country Planning Act 1990
(as Amended)**

**Town and Country Planning (Written Representations
Procedure) (England) Rules 2009 (as Amended)**

Appeal by Mr N Richards against the refusal of Ribble Valley Borough Council to grant planning permission for the erection of a part single-storey and part two-storey dwelling of exceptional design quality (NPPF 84e) with associated landscaping, habitat restoration, change of use of land to residential curtilage and access from Higher Road, together with the creation of a small visitor car park for members of the public to view the remains of the Roman road to be preserved within the site (resubmission of application 3/2025/0095)

Land at Higher Road, Longridge

Statement of Case by the Appellant

July 2026

LPA application reference 3/2025/0889

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1 Introduction

- 1.1 This Statement of Case has been prepared by S&L Planning Consultants on behalf of Mr N Richards (“the Appellant”) in support of their appeal against the refusal of planning application 3/2025/0889 by Ribble Valley Borough Council (“the Council”) for the erection of a part single-storey and part two-storey dwelling of exceptional design quality (NPPF 84e) with associated landscaping, habitat restoration, change of use of land to residential curtilage and access from Higher Road, together with the creation of a small visitor car park for members of the public to view the remains of the Roman road to be preserved within the site (resubmission of application 3/2025/0095) on land at Higher Road, Longridge (“the appeal site”).
- 1.2 The application was validated on 18th November 2025 and the decision to refuse planning permission was made by Council officers under delegated authority on 4th February 2026. The Decision Notice (at Appendix 1) contains two reasons for refusal:
- 1) *The proposal would result in the introduction of a form of development that fails to be in keeping with the character of the landscape or be reflective of the local vernacular, particularly in terms of scale, style and features. With the proposal resulting in a level of cumulative visual change that would result in an overt visual suburbanisation and domestication of the site, significantly undermining the character, visual amenities and sense of visual openness of the area, being of significant detriment to the inherent character of the Forest of Bowland National Landscape in this location. As such the proposal is considered to be in significant direct conflict with Key Statement EN2, and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and the aims and objectives of Para.189 of the National Planning Policy Framework, also subsequently failing to satisfy the requirements of Para.84(e) of the Framework.*
 - 2) *The proposal is considered to be in direct conflict with Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling, located outside of a defined settlement boundary in an unsustainable location where future occupants would be reliant on private motor vehicle, without sufficient justification, in that it has not been adequately demonstrated that the proposal would meet any of the exception criterion inherently contained within the policy requirements or contained within Para.84(e) of the Framework.*
- 1.3 The Appellant’s case is set out comprehensively in the planning application. This Statement of Case does not change that evidence, nor repeat it, and instead responds to the Council’s case set out in its Officer Report (at Appendix 2). This Statement of Case and Appendices, which include further relevant appeal decisions, should therefore be read alongside the Planning Statement and Appendices¹ and the Design and Access Statement submitted with the planning application, and the accompanying plans, surveys and assessments.

¹ Comprising the 2023 Places Matter Design Review Reports, subsequent 2025 correspondence with Places Matter, counsel opinion and four relevant appeal decisions

Summary of case

- 1.4 The Appellant's case explaining why planning permission should be granted for the proposed dwelling, known as 'The Growing House', is as follows:
1. The application is made, and planning permission is sought, expressly in accordance with the national policy exception provided by NPPF 84e which justifies the development of isolated new homes in the countryside where their design is of exceptional quality.
 2. The Council agrees² that the appeal site is an isolated location in the countryside and therefore NPPF 84e is engaged for the purposes of determining the appeal.
 3. The design of the proposed dwelling is of exceptional quality and meets all of the criteria of NPPF 84e(i) and (ii). This is agreed by Places Matter³ which is the independent design review panel for the North West hosted by the RIBA.
 4. The Council agrees⁴ that if the proposed dwelling meets all of the criteria of NPPF 84e(i) and (ii), then the locational conflict with Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy identified in Reason for Refusal 2 falls away as a justified reason.
 5. By reason of meeting the criteria of NPPF 84e(ii), the proposed dwelling is an acceptable form of development within the Forest of Bowland National Landscape and does not conflict with the objectives of NPPF 189 and Key Statement EN2 and the relevant parts of Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.
 6. In addition to being of exceptional design quality by meeting the criteria of NPPF 84e(i) and (ii), the proposed dwelling will provide additional benefits including the provision of on-site biodiversity net gain well above the statutory requirement and the excavation, preservation and public display of the archaeological remains of the Roman road within the appeal site, and these should be given positive weight in the planning balance.
 7. It is agreed with the Council⁵ that there are no other environmental and technical constraints to development and no other conflicts are identified with the relevant policies of the Ribble Valley Core Strategy which justify refusal of the proposed dwelling.
- 1.5 It is requested that the appeal is therefore allowed and planning permission is granted for the proposed dwelling in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 on the basis that the NPPF 84e policy exception is satisfied and important material considerations thereby indicate that a decision other than in accordance with the development plan is justified in this case.

² Paragraph 6 on page 7 of the Officer Report (at Appendix 2)

³ Places Matter has since rebranded as Design North West

⁴ Paragraphs 2 and 3 on page 7 of the Officer Report (at Appendix 2)

⁵ By the absence of reasons for refusal and pages 7 and 13 to 17 of the Officer Report (at Appendix 2)

2 The appeal proposal and application determination

Background

- 2.1 The Appellant's Planning Statement and Design and Access Statement explain the background to the proposed dwelling.
- 2.2 The idea of 'The Growing House' was conceived by the Appellant and their family in 2019 and, from the outset, it was clear that growing and sharing food is not simply a hobby for them but a fundamental part of how they live. They cultivate much of their own produce and wished to make this practice central to their new home. Rather than treat this as a lifestyle add-on, the proposed design embraces it as a core organising principle; reimagining how a modern dwelling might allow people to live in closer relationship with the food they grow and eat.
- 2.3 The house is envisioned as a piece of landscape architecture as much as a building. Spaces have a deliberate connection to growth and cultivation, and external walls support mosses, algae and lichens. This subtle greening is not cosmetic but ecological; an evolving, low-maintenance living skin which enhances biodiversity and allows the building to merge into its setting over time. Internally, kitchen and dining spaces open directly onto productive gardens and growing courtyards so that harvesting and cooking become seamless parts of daily life.
- 2.4 The design journey began with a linear dwelling positioned at the north of the appeal site close to Higher Road. Early feedback from the Places Matter independent design review panel suggested re-siting the dwelling lower down the site and raised concerns that the deep plan might limit natural light and views. This challenge became a catalyst for invention and, as the idea of The Growing House matured in 2023, two glasshouse structures were introduced. The first is an enclosed, climate-controlled greenhouse that functions as a year-round indoor garden, providing ideal conditions for fruit and vegetables while drawing daylight deep into the plan. The second is a louvred pavilion next to the point of arrival, a protected outdoor room for cooking, entertaining, and enjoying fresh produce in the open air. Together these glasshouses act as lungs for the house, bringing light, warmth, and seasonal planting into its heart. The resulting proposal is a carefully reasoned exploration of how architecture and landscape can co-evolve. The building is designed to be planted in its site, to be slowly clothed by vegetation, and to support the daily rituals of cultivation and harvest. It demonstrates how a contemporary NPPF 84e dwelling can enrich its setting and foster a more self-sufficient, resilient way of life.
- 2.5 The result is a dwelling which is a 'growing medium' whereby fresh vegetables, fruit and herbs can be grown organically throughout the year:
 - on the house: the ground floor external envelope will incorporate 'green walls' using innovative 'bio-receptive concrete' and are designed for growing seasonal vegetables, fruits and herbs which are suited to vertical gardening techniques, such as espalier fruit trees, plums, gages, damsons, raspberries, blackberries, vines, leafy greens and climbing beans. This element was encouraged by the Places Matter design review panel and further developed and detailed during the design review process.

- around the house: the walled enclosure along the southern side of the house will accommodate a kitchen garden and vegetable allotment which will be used for growing seasonal varieties of vegetables, small fruits and herbs that are suited to traditional gardening.
- in the house: the integrated glasshouses are south facing (passively-heated) glazed boxes with glazed and louvred roofs, measuring 27 sqm and 28 sqm respectively, which will function as greenhouses / conservatories and provide the same climatic growing conditions with controlled lighting, heating and moisture, as well as using harvested rainwater and grey water supply and sprinklers to water the plants.

Planning application

- 2.6 The Planning Statement, Design and Access Statement and Landscape and Visual Appraisal submitted with the planning application provide detailed and illustrated descriptions of the appeal site and proposed dwelling. This also includes the landscaping and biodiversity net gain proposals for the restoration of approximately 82% of the appeal site (Fields F1, F2 and F3) to traditional hay meadow⁶ and the proposed management, extended native scrub planting and 'rewilding' of the wooded valley side of Cowley Brook, and the proposed excavation and permanent preservation and public display of the remains of the Ribchester to Carlisle Roman road which crosses the appeal site. These descriptions are not repeated here but remain up to date and unchanged for the purposes of the determining the appeal.
- 2.7 The appeal application is a resubmission of a previous application⁷, made following an initial pre-application consultation with the Council, and which was refused for the same reasons. As the Places Matter design review panel concluded that the proposed dwelling is an isolated new home in the countryside of exceptional design quality in accordance with NPPF 84e, the proposed design was unchanged other than now accommodating a water main diversion and extended highway visibility splays at the access. It was resubmitted however with the benefit of the following new and updated supporting material in order to aid the Council's understanding of the proposal and its merits, and to address the reasons for refusal:
- Updated Planning Statement
 - Updated Design and Access Statement
 - Updated Landscape and Visual Appraisal
 - Correspondence between the Appellant and the Places Matter design review panel
 - Large scale CGIs
 - LiDAR mapping of the Roman road
 - Counsel opinion
 - 4 no. relevant appeal decisions

⁶ Which will be managed in association with the Forest of Bowland Hay Time Project which seeks to restore species-rich hay meadows in the landscape of this part of the National Landscape

⁷ See page 3 of the Officer Report (at Appendix 2)

Matters not in dispute between the Council and Appellant

2.8 The Officer Report (Appendix 2) confirms the following matters are not in dispute, and which is also substantiated by the absence of any reasons for refusal concerning technical matters:

- 1) Consultee responses to the planning application confirming;
 - Lancashire County Council (archaeology) no objection subject to conditions
 - Lancashire County Council (highways) no objection subject to conditions
 - Greater Manchester Ecology Unit⁸ no objection subject to conditions
- 2) The proposed dwelling will not harm the setting and significance of Cowley Brook Farm as a non-designated heritage asset.
- 3) The proposed dwelling will not harm the residential amenities of neighbouring properties by overlooking, loss of privacy, loss of light or having an overbearing impact.
- 4) The operation and management of the proposed car park for people wishing to visit the remains of the Roman road within the appeal site can be controlled by condition to address any concerns regarding the risk of crime or anti-social behaviour.
- 5) The proposed dwelling is acceptable in terms of highway access, operation and safety and car parking requirements.
- 6) The proposed dwelling is acceptable in terms of flood risk, ground conditions and mineral resources, surface water and foul drainage arrangements, and energy requirements.
- 7) The installation of tree protection fencing during the construction period can be controlled by condition to ensure that trees will not be harmed as a result of development.
- 8) The proposed dwelling will not result in any measurable direct impacts upon protected species or species of conservation concern subject to appropriate conditions, including precautionary surveys and measures during construction, and mitigation and enhancement measures during its lifetime including bat boxes and bird nesting boxes.
- 9) The development will deliver an on-site biodiversity net gain⁹ of 19.75% (3.54) in habitat units and 135.4% (0.23) in hedgerow units.
- 10) The proposed Landscape Masterplan and detailed landscaping scheme, which propose areas of tree planting, native scrub planting, native hedgerow planting, mixed native and ornamental planting including the areas to accommodate species-rich hay meadow restoration, can be secured by condition.

⁸ Consultation response carried over from the previous application 3/2025/0095

⁹ The Appellant will provide a biodiversity gain plan and 30 year Habitat Management and Monitoring Plan in accordance with the biodiversity net gain statutory condition, which it will discharge prior to commencement, and does not consider that a Section 106 planning obligation is necessary at this stage (or at all).

3 Planning policy

3.1 Relevant policy is provided in the adopted statutory development plan for Ribble Valley, and in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance which are important material considerations.

3.2 For the purposes of this appeal, the development plan is the Ribble Valley Local Plan Core Strategy 2008 to 2028. This confirms that the appeal site is located in a countryside area, outside any settlement, and within the Forest of Bowland National Landscape. In this context, the most important policies for determining the appeal, as referenced in the Reasons for Refusal, are:

- Key Statement EN2 Landscape
- Policy DMG1 General considerations
- Policy DMG2 Strategic considerations
- Policy DMG3 Transport and mobility
- Policy DMH3 Dwellings in the open countryside and the AONB

3.3 Other relevant policies of the development plan are listed below and the proposed dwelling does not conflict with these.

- Key Statement DS2 Sustainable development
- Key Statement EN3 Sustainable development and climate change
- Key Statement EN4 Biodiversity and geodiversity
- Policy DME1 Protecting trees and woodlands
- Policy DME2 Landscape and townscape protection
- Policy DME3 Site and species protection and conservation
- Policy DME4 Protecting heritage assets
- Policy DME5 Renewable energy
- Policy DME6 Water management

Other material considerations

3.4 These are summarised in the Appellant's Planning Statement and comprise:

1) Forest of Bowland National Landscape - Approved Management Plan 2026 - 2031

3.5 This is the up to date statutory Management Plan for the Forest of Bowland approved in June 2026. It is the basis for identifying the aspects of this National Landscape which are critical in contributing to its natural beauty as a material consideration in the determination of planning applications. It explains that, in accordance with NPPF 189 and 190, new development within the Forest of Bowland National Landscape is not prohibited, but its scale and extent should be limited, and it is expected to i) conform to a high standard of design; ii) be in keeping with local distinctiveness; and fundamentally, iii) seek to conserve and enhance natural beauty.

2) Forest of Bowland National Landscape - Landscape Character Assessment 2025

3.6 This provides a comprehensive assessment of landscape character across the Forest of Bowland to inform land use planning and land management decisions. It identifies 13 Landscape Character Types and these are sub-divided into 73 Landscape Character Areas. Each of these Landscape Character Types and Landscape Character Areas is described using a combination of text, maps and photographs to provide a summary description of characteristics, sensitivities, forces for change and management guidelines. (Extracts relevant to the appeal site are at Appendix 3 of this Statement of Case)

3.7 The Assessment:

- promotes what is special and contributes to a sense of place in the Forest of Bowland
- provides area specific guidance to landowners and land managers to help protect and enhance distinctive elements of landscape character
- provides guidance to developers to help prepare proposals which make a positive contribution to landscape and sense of place
- assists planning decision makers to understand whether proposals will make a positive contribution to landscape character and providing guidance on mitigation measures.

3) National Planning Policy Framework 2024

3.8 The relevant parts of the NPPF are summarised in the Appellant's Planning Statement and are not repeated here. The NPPF is an important material consideration in the determination of planning applications and the most relevant paragraph for the purposes of this appeal is plainly NPPF 84e. This says:

Paragraph 84 Planning policies and decisions should avoid the development of isolated homes in the countryside unless... the following circumstances apply:

- e) the design is of exceptional quality, in that it:*
 - i) is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - ii) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

3.9 Whilst the relevant policies of the development plan are therefore the starting point for decision taking, the NPPF 84e policy exception is a key material consideration in determining this appeal. It establishes the Government's view of what sustainable development means in practice where an isolated home in the countryside of exceptional design quality is proposed, and it provides a decision maker with the necessary justification to determine a planning application for a qualifying new dwelling other than in accordance with the development plan.

- 3.10 NPPF 189 is also relevant given the location of the appeal site within the Forest of Bowland National Landscape. It says:

Paragraph 189 Great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. When considering applications for development within National Parks, the Broads and National Landscapes, 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.

- 3.11 This clearly does not prohibit new development within a National Landscape but requires that its scale and extent is limited in order to conserve and enhance landscape and scenic beauty.

4) National Planning Policy Framework 2025 (Consultation Draft)

- 3.12 It is possible that the Government will publish the final version of a revised NPPF during the determination of this appeal. If so, the present consultation draft carries forward the same national policy exception as the current NPPF 84e as follows:

National Decision Making Policy HO11: Isolated homes in the countryside

1. *Development proposals for isolated homes in the countryside should only be supported where one or more of the following circumstances apply:*

e) The design is of exceptional quality, in that it:

- i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

5) National Planning Policy Guidance (PPG)

- 3.13 Various categories of the PPG are also relevant to the determination of the appeal but are not reproduced here unnecessarily. The category 'Design: process and tools' is relevant, and particularly the section 'Tools for assessing and improving design quality', which the Appellant refers to in its evidence in Section 4 of this Statement of Case.

4 Response to the Reasons for Refusal

- 4.1 The Council refused planning permission for two reasons. The Appellant's case is that both are unfounded, in that they are not substantiated by evidence other than that presented by the Appellant, and they are not justified when taking the merits of the proposed dwelling and all material considerations into account.

Reason for Refusal 1

- 4.2 This is:

The proposal would result in the introduction of a form of development that fails to be in keeping with the character of the landscape or be reflective of the local vernacular, particularly in terms of scale, style and features. With the proposal resulting in a level of cumulative visual change that would result in an overt visual suburbanisation and domestication of the site, significantly undermining the character, visual amenities and sense of visual openness of the area, being of significant detriment to the inherent character of the Forest of Bowland National Landscape in this location. As such the proposal is considered to be in significant direct conflict with Key Statement EN2, and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and the aims and objectives of Para.189 of the National Planning Policy Framework, also subsequently failing to satisfy the requirements of Para.84(e) of the Framework.

- 4.3 The Council sets out its approach for assessing the planning application on pages 5 to 9 of the Officer Report (at Appendix 2). Having identified locational conflict with the development plan spatial strategy, which the Council acknowledges is outweighed if the proposed dwelling meets the criteria of NPPF 84e, it begins by assessing the 'visual compatibility of the proposal with the character of the immediate landscape'. In the three paragraphs reproduced from page 9 below, the Council firstly considers if the proposed dwelling is harmful to the Forest of Bowland National Landscape. It decides that it is and therefore is in conflict with NPPF 189 and relevant policies. It is only on this basis, that the Council then says it is 'appropriate' to consider whether the proposed dwelling falls within the criteria of NPPF 84e:

- *The scheme is considered to result in the introduction of a form of development that fails to be in keeping with the character of the landscape or be reflective of the local vernacular, particularly in terms of scale, style and features. The proposal is considered to result in a level of cumulative visual change that would result in an overt visual suburbanisation and domestication of the site, significantly undermining the character, visual amenities and sense of visual openness of the area, being of significant detriment to the inherent character of the Forest of Bowland National Landscape in this location.*
- *As such, the proposal is considered to be in significant direct conflict with Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and the aims and objectives of NPPF 189.*

- *It is therefore appropriate to consider whether the proposal falls within the criteria outlined in NPPF 84e*

- 4.4 The Appellant considers that the Council's approach is wrong and is not supported by the NPPF. The NPPF it is to be read as a whole¹⁰ and NPPF 84e and NPPF 189 are not mutually exclusive. Nor is NPPF 84e qualified by first having to consider NPPF 189 and there is no limitation which precludes the application of NPPF 84e in protected landscapes. There are also examples¹¹ of proposed dwellings which have been permitted in protected landscapes in accordance with NPPF 84e and notwithstanding NPPF 189.
- 4.5 The Appellant's approach to how the planning application should be assessed, is that set out in the counsel advice (at Planning Statement Appendix 4). This is that the decision maker should apply NPPF 84e holistically and assess the totality of the proposed development against its criteria, whilst simultaneously recognising and taking account of its location within the Forest of Bowland National Landscape. This is correct because the Appellant's architect and landscape architect produced, and the Places Matter design review panel scrutinised, the proposed design being fully cognisant of the location of the appeal site within the National Landscape from the outset. The logical outcome of an assessment carried out on this basis is that if NPPF 84e(ii)¹² is met then, by definition, a conflict with NPPF 189 cannot arise¹³.
- 4.6 The Appellant's case is that the NPPF 84e(ii) criteria are met and, therefore, the proposed dwelling does not conflict with NPPF 189 and Key Statement EN2 and the parts of Policies DMG1 and DMG2 of the Core Strategy relating to the National Landscape.

Assessment of the NPPF 84e criteria

- 4.7 Turning to the Council's assessment of the proposed dwelling against the NPPF 84e criteria, this begins on page 9 of the Officer Report (at Appendix 2).

a) Truly outstanding, reflecting the highest standards in architecture

- 4.8 The Council says that it has concerns regarding views of the proposed dwelling from the south which would *'result in the construction of a raised floorplate platform which results in a somewhat overly engineered arrangement and engineered response to the site characteristics.'* It also says that *'the overall architectural and elevational language of the ground floor is stark and austere, lacking any visual devices or archetypes, save that for the fenestration arrangement, that would afford the proposal an adequate level of depth, relief or visual interest, resulting in an overtly engineered appearance.'*

¹⁰ NPPF 3

¹¹ Including appeal APP/F1610/W/19/3236430 at Planning Statement Appendix 4 (see paragraphs 10 and 31)

¹² Whereby a design is of exceptional quality, in that it: ii) would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area (i.e. including situations as in this appeal where its immediate setting and the local area is a National Landscape).

¹³ On the basis that the proposed dwelling is not 'major development' within the National Landscape whereby NPPF 190 would be engaged and nor is this the Council's case.

- 4.9 The Council acknowledges that *‘some elements of the design of the scheme have taken features of its surroundings and the landscape character, for example the use of stone walls and incorporating the retention of stone walls’* and that the proposed dwelling has been independently reviewed by the Places Matter design panel, but does not agree that it is of an exceptional quality in that it is truly outstanding, reflecting the high standards of architecture.
- 4.10 Other elements of the design that the Council does not consider to be outstanding are:
- the large expanses of 3 metre high glazing on the rear elevation at first floor level
 - the cantilevered construction of the first floor emphasises its bulk and massing
 - the gradient of the solar panels in relation to the flat roof¹⁴
 - the hard engineered walls which make up the roof of the garage area and appear overly dominant and take away from the significance of the more agricultural features of the dwelling such as the stone walls
- 4.11 These criticisms have been made on an unqualified basis and are not substantiated by design evidence to counter that provided by the Appellant in the planning application and by the Places Matter design review panel reports (at Planning Statement Appendix 1). The Council planning officer/s are not understood to be qualified architects or design experts, and moreover, the Council had the opportunity (and was arguably incumbent on it) to carry out its own consultation with an alternative design review panel or another expert, but did not.
- 4.12 The position therefore, is that the Appellant has subjected the proposed dwelling to lengthy, objective design review and has submitted that evidence with the planning application, whereas the Council has challenged the Places Matter design review conclusions on a subjective and arbitrary basis, without evidence, and making unqualified comments about elements of the architectural design which its officers do not like in their opinion.
- 4.13 The Places Matter design review process undertaken by the Appellant is recorded in Section 4 of the Design and Access Statement submitted with the planning application and the Design Panel Reports (at Planning Statement Appendix 1). A series of four design reviews were undertaken between February and August 2023 and these show that the landscape-led design evolved and progressed from an initial version which Places Matter concluded was ‘not outstanding’, to the proposed design which is concluded to have reached the ‘outstanding’ threshold of NPPF 84e by the fourth iteration and noting that *‘all of the changes that have been made are very positive and it is in that context that the Panel supports the project. You [the Appellant] have engaged with the Places Matter process in a very collaborative and cooperative spirit and the Panel commends you for that.’*
- 4.14 A key design change advocated by Places Matter during the process, was the refinement of the first floor cantilever architectural feature and its external appearance and glazing. This is in direct contrast to several of the unqualified design criticisms levied by the Council.

¹⁴ This is a minor point and if the 20° pitch of the PV panels is considered unacceptable, it can be addressed by a condition requiring a revised design to be submitted to the Council for approval

- 4.15 Design review is strongly advocated by the Government¹⁵ and commonly features in NPPF 84e (and predecessor NPPF) dwellings. The PPG highlights:

- 26-009 *that design review panels can be used by local planning authorities during pre-application discussions to achieve well designed places*
- 26-016 *identifies that design review panels can be used to assess and improve the design of development*
- 26-017 *sets out what a design review is and how it can be used appropriately. Of particular relevance, 'Design review is most effective when applied at the earliest stage of design development. It can be followed up as projects evolve, including pre-application, and are implemented, referencing and building upon recommendations made in previous design reviews. Recommendations from design review panels can be used to help support decisions on applications, so development proposals need to show how they have considered and addressed them.'*

- 4.16 NPPF 84e is one of the highest and most demanding tests of the planning system. The threshold is intentionally rigorous and made more demanding in this case by the location of the proposed dwelling within the Forest of Bowland National Landscape. The Places Matter design review panel was fully aware of this, by insisting that a Landscape and Visual Appraisal was undertaken at the outset, and the expert membership and Chair of the review panel (Annie Coombs FLI) further reflects this (see Planning Statement Appendices 1 and 2).

- 4.17 As in this case, independent design review should not lead with endorsement; it should lead with challenge, to test and scrutinise a proposed NPPF 84e dwelling design. When the proposed dwelling was first presented, the Places Matter criticism was candid and a proposal which accords with NPPF 84e at its first attempt (or at all¹⁶) is a rare exception and not the rule. Stage one criticism is therefore not a setback but rather confirms the value and purpose of independent design review so that an applicant and design team know where a scheme stands against the bar of NPPF 84e, and can respond before, and not after, a planning application is submitted. Subjecting a proposal to a process of multiple, interactive design review is what it rigorous independent review looks like in practice, and exceptional quality is most reliably reached through structured, iterative scrutiny; a process by which siting, scale, mass, materiality, sustainability and landscape strategy are tested and refined.

- 4.18 A thorough and objective independent design review can therefore be trusted, and gives a decision maker confidence, and it should be afforded significant weight in the decision making process. It is consequently inappropriate for the Council to have largely ignored and placed no weight on the expert opinion of Places Matter in this case, and to not provide a meaningful explanation or evidenced justification as to why officers disagree with its conclusion. The Appellant also offered to meet with the Council to explain the design but this was declined.

¹⁵ NPPF 138

¹⁶ The correspondence in Planning Statement Appendix 2 explains that Places Matter has carried out design reviews for 26 proposed NPPF 84e houses since 2018 and only endorsed five as meeting the policy criteria. The majority of the proposals it has reviewed did not meet, and/or where not deemed capable of meeting, the exceptional architectural and landscape design standards required.

4.19 Independent design review was a positive factor in all four of the allowed appeals submitted with the application¹⁷, and two further appeal decisions are submitted with this Statement of Case. These confirm the weight given to the findings of design review panels by Inspectors:

- In appeal APP/K0235/W/19/3241508 (at Appendix 4), the Inspector states:

12. *In advance of submitting the planning application that is now the subject of this appeal, the appellants utilised the Open Design Review Panel (ODRP). This was comprised of design experts that included a landscape architect.*
13. *The proposal has been the subject of three separate assessments by the ODRP following an initial site visit. Various comments and suggestions were fed back to the appellants during the assessment process, which have led to the design concept and layout evolving to foster strong functional relationships between internal and external spaces and the fulfilment of the appellants' own needs. It is also the case that a comprehensive landscape strategy has been developed to promote a robust relationship between built and natural features at the site. It was ultimately found, by the ODRP, that the scheme meets the exceptional quality threshold as set out in the Framework. Considering the ODRP's independent nature and standing, I attach significant importance to their advice and findings.*

- In appeal APP/W0530/W/22/3302832 (at Appendix 5), the Inspector states:

8. *The Council have raised concern that their own design enabling panel (DEP), with greater local knowledge, was not used by the appellant. However, I note that the Council did not, in response to the application being received, conduct its own consultation with the DEP. I also consider that there was sufficient understanding of the appeal site's characteristics and context in the appellant's suite of the consultation documents for the DEP to be briefed about the local area and its history.*
9. *Paragraph 133 of the Framework states local planning authorities should have regard to the outcomes and recommendations of a DRP. Whilst weight to be given to such recommendations is for the decision-maker to apportion, the Council's case provides no rebuttal directly against the listed DRP recommendations and conclusions. I give greater weight to the DRP findings as a result.*

4.20 In conclusion, the Appellant has demonstrated that the proposed dwelling meets the first requirement of NPPF 84e of being 'truly outstanding, reflecting the highest standards in architecture.' This is on the basis of the outcome of the Places Matter design review which was the unchallenged expert evidence before the Council when it refused planning permission. The design review has considered the architectural and landscape design of the proposed dwelling as an integrated whole and has found it to be outstanding, notwithstanding its location within the Forest of Bowland National Landscape, and the landscape and scenic beauty of which, will not be harmed.

¹⁷ Paragraphs 5.22 to 5.27 of the Planning Statement and Appendix 4

b) Help to raise standards of design more generally in rural areas

4.21 The Council's case in relation to this test of NPPF 84e is on page 11 of the Officer Report (at Appendix 2). As the Council does not consider that the proposed dwelling is 'truly outstanding, reflecting the highest standards in architecture', its case is that it cannot help to raise standards of design more generally in rural areas because it would introduce incongruous features in terms of the 'design features of the dwelling itself and its immediate hard landscaped gardens.'

4.22 The Appellant's case is the converse. On the basis that The Growing House proposal is 'truly outstanding, reflecting the highest standards in architecture', then if the appeal is allowed, it will subsequently be upheld, and referred to by the architectural and landscape profession, as a leading example of a NPPF 84e dwelling and which does therefore help to raise standards of design more generally in rural areas. The Inspector in paragraph 21 of appeal APP/L1765/W/22/3291091 (at Planning Statement Appendix 4) makes this point well:

To summarise, the design would be unique and outstanding and thus reflect the highest standards of architecture. In so doing, it would be inspirational and would help raise design standards in rural areas as an example of best practice.

4.23 Paragraphs 5.34 to 5.38 of the Appellant's Planning Statement also explain how the procurement and execution of the construction of the proposed dwelling and landscaping can also set a standard which will help to raise standards of design more generally in rural areas.

4.24 The Appellant has therefore demonstrated that the proposed dwelling meets the second requirement of NPPF 84e whereby it will 'help to raise standards of design more generally in rural areas.'

c) Significantly enhance its immediate setting

4.25 The Council's case in relation to this test of NPPF 84e is on page 11 of the Officer Report (at Appendix 2). It says in paragraphs 2, 4 and 8 of this section that:

- *The proposed dwelling and landscaping, in parallel with the extent of the proposed access track and 'public car-parking' area, would fundamentally alter the character of the site, with a cumulative overall level of visual change that would significantly undermine the inherent open aspect nature and visual character of the site.*
- *The Council contest that the physical addition will 'enliven' the existing immediate setting for the reasons outlined earlier in this report and also contests the view of the applicant outlined in paragraph 5.41 of the submitted planning statement, that it does not appear overly domestic. The site would introduce features such as sliding access gates and domestic gardens, including a separate 'kitchen garden' which would involve segregation of the landscape, as well as a new car park and multiple new stone walls which further split the land up into defined sections.*

- *It is considered that the cumulative extent and level of visual change to the character of the site resultant from the proposed built form and additional landscaping, would result in a proposal that would fail to enhance its immediate setting. Particularly insofar that the cumulative level of visual change proposed would fundamentally alter the visual character of the site to a degree whereby, when read in context with the character of the immediate area, would represent a strident incongruous form of development that would undermine the inherent character and visual amenities of the area and the inherent character of the Forest of Bowland National Landscape in this location.*

4.26 Insofar as the Council's case is that any dwelling promoted under NPPF 84e would fundamentally undermine the inherent open aspect nature and visual character of the appeal site, meaning that it could not produce a significant enhancement of its immediate setting, the Appellant disagrees.

4.27 The requirement to significantly enhance immediate setting is predicated on there being a new dwelling introduced into a countryside location where none may exist. It is not therefore correct or proper to imply that a new isolated home built in the countryside will be harmful to it by reason of its existence and, thereby, cannot significantly enhance immediate setting. To do so would negate the possibility of any such development being approved under the NPPF 84e policy exception.

4.28 The Inspector in appeal APP/D0840/W/21/3288120 (at Appendix 6) makes this point well:

12. *The arguably even higher hurdle in para. 80(e) is the requirement for the development to 'significantly enhance its immediate setting'. I acknowledge the Council's difficulty in coming to terms with the concept of a new dwelling built on an undeveloped field in the AGLV amounting to such enhancement. Nonetheless, this approach in the Local Planning Authority's decision-making appears to invite a 'like for like' comparison of before and after the development, and in so doing to equate the principle of the development of a new home in the countryside with at best a neutral impact on the character and appearance of the rural landscape and at worst some harm.*
13. *On this basis there would be no scope for any paragraph 80(e) developments anywhere, especially as there is no suggestion in the Framework that the site for an isolated home must in some way need enhancement by reason of the site having poor visual quality or by already being degraded in some other way.*
14. *My interpretation of the policy therefore is that it is the combination of the building's outstanding design with its altered immediate setting in the form of a garden or appropriate landscaping within the curtilage, that would result in an outcome that could be properly regarded as enhancement. In effect, the loss of the agricultural field in existing countryside has to be discounted from the equation and the approach is more one of achieving a successful adaptation of this part of the countryside to a more domestic setting.*

15. *In this development, the proposed landscaping with its 350m of native species-rich field hedges, 1ha of species-rich meadow and 0.7ha of wetland adopts an appropriately informal approach, sympathetic to this part of rural Cornwall and the AGLV landscape in particular. In addition the scheme would achieve a significant biodiversity net gain.*

17. *Overall I take the view that by any reasonable measure of the visual impact on the countryside and its ecological interest, the amended scheme would indeed significantly enhance the immediate setting of the building compared to the existing field, perfectly pleasant though that may be.*

4.29 On this basis, the Appellant's case explaining how the immediate setting of the proposed dwelling will be significantly enhanced, is set out in paragraphs 5.40 to 5.42 of the Planning Statement. It is achieved by the combination of:

- 1) Being a truly outstanding design, reflecting the highest standards in architecture, whereby the proposed dwelling and its modest curtilage will sit within the local topography of the National Landscape and not impose itself on it, i.e. by proposing an excessive scale or mass or using inappropriate materials, whilst adding a degree of enlivenment by allowing glimpsed views of the cantilevered first floor feature, which the Places Matter design review encouraged, and by not appearing overly domesticated.
- 2) Strengthening existing local landscape features and characteristics by new tree planting, new hedgerow planting and new and repaired dry stone walls
- 3) Providing extensive, significant, local biodiversity measures including:
 - the external construction of the house as a 'growing medium' using 'bio-receptive concrete' on which mosses, algae, lichens and ferns will grow to form a natural, living, organic surface integrated with the landscape
 - additional native woodland and shrub planting on the edge of the Cowley Brook valley providing a renatured / rewilded habitat and enhanced woodland edge
 - restoration and future management of species-rich, natural hay meadow habitat on all sides of the proposed dwelling immediate setting, in accordance with the target objectives of the Forest of Bowland National Landscape - Approved Management Plan 2026 - 2031 and in association with the Forest of Bowland National Landscape 'Hay Time' Project¹⁸, and covering more than 80% of the appeal site, whereas the alternative would have been to leave the area as fields without enhancement.
 - creation of pond and wetland habitat

¹⁸ Since 2012, the Forest of Bowland National Landscape and Yorkshire Dales Millennium Trust have jointly delivered a Hay Time Hay Meadow Restoration Project in the National Landscape. Hay meadows are one of the UK's rarest habitats and a priority for conservation and enhancement in the UK Biodiversity Action Plan. Largely lost from the rest of the UK, these meadows survive in Bowland due to traditional farming practices and late cutting of the crop in July or August. During summer the array of colourful flowers and grasses in hay meadows make not only a wonderful sight but create important places for bats and birds to feed and nest in. The Forest of Bowland National Landscape contains a significant number of the UK's remaining upland hay meadows and as such it is an important area for this stunning habitat.

- 4.30 Also, the proposed excavation, preservation and public display of the remains of the Ribchester to Carlisle Roman road¹⁹ which crosses the appeal site, is a further element which adds to the enhancement of the immediate setting of the proposed dwelling.
- 4.31 Taken as a whole, these measures are common with those which the Inspectors in the allowed appeal decisions included with the Planning Statement Appendix 4, identified as being appropriate and successful to achieve a significant enhancement of the immediate setting of NPPF 84e proposed dwellings. These confirm:

In appeal APP/F1610/W/19/3236430 (Planning Statement Appendix 4), the Inspector found:

27. The house is designed to sit within the topography and will not impose itself on it, being subsumed within the backdrop of hedging in most of the identified views. The scheme is more than just the house, and the land remediation and the landscaping scheme would introduce appropriate planting and maintenance measures so that as a holistic proposal, the immediate setting would be enhanced. It is the case that much of the remediation and landscaping enhancements could be achieved by a willing landowner irrespective of the house being developed, but in this case they are more than just mitigation for the effects of the house, and the quality of the house design deserves to be seen.

The Inspector in appeal APP/M1710/W/15/3010471 (Planning Statement Appendix 4) found:

- 22. The proposals would include the provision of a wildflower meadow over the site which would amount to 11 hectares. There would be a pictorial meadow, lawn, additional planting of deciduous woodland, a rainwater pond and a natural swimming pool. The biodiversity measures would result in an increase in the number of species found on the site. I note that these proposals are supported by Natural England. The Council, whilst indicating biodiversity and landscape proposals would not significantly enhance the immediate setting, acknowledges that they would provide benefits to the wider setting.*
- 23. I accept that the proposal would incorporate lawns and orchard planting, which are not particular features found in this area. The Council refer to other features such as the proposed ha-ha, access track, lighting and parking areas, which would add to the domestic appearance of the appeal proposal. However, these would not be dominant and would not be highly visible within the landscape. The proposed gabion walls would provide some screening of domestic features close to the house. I also note that the intention is that the majority of landscaping would incorporate the use of natural planting.*
- 24. Although there would no longer be an agricultural use, the proposals would ensure that part of the site would develop a more natural habitat and would significantly enhance the setting. The Framework also encourages improvements to biodiversity and I consider these would be significant benefits of the scheme. This is particularly so, as the area identified for biodiversity enhancement is quite large in proportion to the rest of the site.*

¹⁹ The Roman Roads Research Association has provided a statement for the appeal (at Appendix 8) which updates the proposal for excavating and preserving the archaeological remains and confirms its support

The Inspector in appeal APP/L3245/W/21/3289722 (Planning Statement Appendix 4) found:

11. *[Whether the design would significantly enhance its immediate setting] The wooded part of the site would be retained and would in future be managed to ensure improvements to its sylvan character. The existing grassland would also be managed but would retain an agricultural character. Other interventions would use materials appropriate to the local landscape. Areas of the site closest to the house would be terraced but mostly shielded in views across open land and from the river. Overall, the domestic interventions would sit well within the landscape and I am satisfied that the development would have a significantly positive visual and operational relationship with the surrounding land.*

The Inspector in appeal APP/L1765/W/22/3291091 (Planning Statement Appendix 4) found:

14. *The LVIA demonstrates that the building would not be prominent in the landscape. In this respect, its visual presence would not significantly enhance the immediate landscape setting. However, given that the landscape around the appeal site is generally open and unspoilt, a prominent building in this location would be inappropriate. Thus, the building, through its siting, would have a purposely restrained presence to respect the context. That said, the appeal scheme would relate well to, and enliven the site due to its 365-degree design. The scheme as a whole would also enhance the hard unnatural appearance of the reservoir by providing softer and more informal edges. Importantly, the proposal would significantly enhance biodiversity. Taken together, these points are sufficient to achieve a significant enhancement of the immediate setting.*

4.32 Also in appeal APP/U1105/W/25/3364929 (at Appendix 7) the Inspector found:

21. *The proposed landscape strategy has been designed to enhance and safeguard existing plant species. With the proposed meadow and tree planting, it would also provide the opportunity for biodiversity enhancements. Combined with the exceptional design of the building, the proposed detailed landscaping of its grounds would significantly enhance the immediate setting of the site through introduction of substantial areas of new planting.*

4.33 The Council disagrees that the proposed dwelling will not appear overly domestic and states that the 'sliding access gates and domestic gardens, including a separate kitchen garden' will be harmful. The Council has not presented any objective analysis to support its view, and its comments are unfounded officer opinion and criticism like that of the architectural design of the proposed dwelling (see paragraphs 4.8 to 4.10 of this Statement). They are made on an unqualified basis and are not substantiated by design evidence to counter that provided by the Appellant, whereby the Places Matter design review panel did not raise concerns over the access gate and garden areas as being overly domestic. The aerial CGIs show that the access gate is a minor element of the design, and the garden area is not extensive and has been carefully thought out, and contained by dry stone walls matching linear field boundaries.

4.34 It is therefore not clear why the domestic appearance of the garden area is considered to be problematic and if this is a matter of detail, it could be addressed by a condition requiring a revised design to be submitted to the Council for approval.

- 4.35 A further part of the Council's case is its assessment of the landscaping strategy and planting proposals. It considers that the proposed landscaping is intended as mitigation, based on a misunderstanding of the terminology used in the Landscape and Visual Appraisal²⁰, and a notion that the proposed dwelling causes harm and needs to be screened, implying that the immediate setting cannot be significantly enhanced. Paragraphs 15 to 17 and 22 of the Appellant's counsel opinion (at Planning Statement Appendix 4) explain why the Council's logic that, 'because there is landscaping, there must therefore be harm', is incorrect.
- 4.36 The point is that the landscape design and planting scheme is an integral part of the proposed dwelling and it accompanies and complements the architectural design as the Design and Access Statement explains. The landscaping and the physical building should not be treated as separate things, and the 'design' to be assessed for the purposes of determining whether immediate setting is significantly enhanced, and whether it is truly outstanding, is the totality of the proposed dwelling development. The landscaping should not therefore be considered only in the sense that its purpose is to hide or mitigate something that is otherwise harmful.
- 4.37 The Inspector's assessment of this point in allowed appeal APP/F1610/W/19/3236430 (at Planning Statement Appendix 4) is very clear. This decision, concerning a NPPF 84e dwelling (NPPF 79e at the time) located in the Cotswolds National Landscape, confirms:

36. The building would be visible as it does not seek to hide away, and the paragraph 79e exception, as with its antecedents back to PPG Note 7 'Sustainable development in Rural Areas', does not require such an approach. Built form is a feature of the Cotswolds Area of Outstanding Natural Beauty, and the addition of natural oolitic limestone has placed the building firmly within that setting. The quality of the architecture and landscaping combined would be a positive addition to the site and would enhance the stock of built form of the Area of Outstanding Natural Beauty, while conserving the natural features of the designated area. To conclude on this section, the proposal is sensitive to the defining characteristics of the local area, and as a result of the foregoing analysis, the overall conclusion is that the proposal satisfies the requirements of paragraph 79e.

²⁰ The Appellant therefore updated the Landscape and Visual Appraisal with the resubmitted planning application, and the amended version makes clear at Paragraph 4.9 that the proposed landscape measures have been designed to complement and enhance the exceptional architectural quality of the dwelling (as noted by the Places Matter in the design review panel report July 2023 - at Planning Statement Appendix 1) and therefore, whilst some planting has the effect of partially screening and filtering views, it would be wrong to treat this as 'mitigation' in the traditional sense. The landscape proposals, including planting treatments, have been an essential part of the design process which build upon the screening and filtering effects afforded by existing landscape features, and the planting has predominantly been designed to create an improved landscape setting to ensure that the dwelling is assimilated into the receiving landscape. At Paragraph 5.55 it is also confirmed that at Year 15, landscape and ecological enhancement measures within the appeal site, and planting designed to assist visual integration of the built form within the landscape setting and context to views, will have established. Landscape and ecological measures will result in the enhancement of the immediate setting of the character area in line with the guidelines for managing landscape change.

- 4.38 Overall, the Appellant has demonstrated that the proposed dwelling as a whole (i.e. the totality of the proposed development) will significantly enhance the immediate setting and this requirement of NPPF 84e is therefore satisfied.

d) Be sensitive to the defining characteristics of the local area

- 4.39 The Council's case in relation to the final criterion of NPPF 84e is on pages 12 and 13 of the Officer Report (at Appendix 2). Its case, in summary, is that the scale and appearance of the proposed dwelling and its domestic curtilage configuration, is uncharacteristic and not sensitive to the defining characteristics of the local area within the Forest of Bowland National Landscape.
- 4.40 The Appellant disagrees and its evidence, submitted with the planning application and this appeal, shows that the proposed dwelling is sensitive to the defining characteristics of the local area and is not incompatible with, nor harmful to, the landscape and scenic beauty of the Forest of Bowland National Landscape. As explained already in paragraphs 4.5 and 4.6 of this Statement, the Appellant's architect and landscape team, and the Places Matter design review panel, were fully cognisant of the location of the appeal site within the National Landscape and approached all of the NPPF 84e criteria on that basis from the outset.
- 4.41 An underlying proposition in this appeal, is that a NPPF 84e house will not necessarily look the same as any other house in its immediate or surrounding area, and if it was identical, it could be said to have missed the point and original purpose of the policy exception in terms of 'adding to the country house tradition'. It is also the case that proposed NPPF 84e dwellings which adopt a 'traditional' architectural approach can sometimes fail because they are considered 'pastiche' or, as in the case of the Ribble Valley appeal APP/T2350/W/22/3310867 (Higher Hodder Bridge, Chaigley) which the Council refers to in the Officer Report (Appendix 2), they cannot achieve exceptional quality design which successfully reconciles authentic traditional architecture and modern construction methods and building regulations.
- 4.42 Also, the Inspector's comments in allowed appeal APP/M1710/W/15/3010471 (at Planning Statement Appendix 4) are to be noted:

13. Further afield, Fitz settlement and its listed buildings are on higher land but are not visible from the site. The building is visually and physically separate and takes no design cues from the settlement. However, neither the building nor other parts of the site to be developed would affect the settlement or its constituent buildings, and accordingly, the proposal would be sensitive to the defining characteristics of the area.

- 4.43 With these above points in mind, the Appellant's Landscape and Visual Appraisal explains in detail how the proposed dwelling is in keeping with the national and local landscape character areas within which it is located. Paragraph 3.54 explains that the National Character Area is Profile 33 : Bowland Fringe and Pendle Hill, and its defining characteristics relevant to the appeal site are:

- Semi-natural woodland, much of which is ancient, occurs in the main valley bottoms, side valleys and ridges and is dominated by oak, ash and alder
- Small to medium-sized fields are defined by hedgerows with mature hedgerow trees. Dry stone walls are also common in some areas
- There are species-rich hay meadows, including several that are nationally and internationally designated
- There is a network of winding, hedge-lined lanes connecting small, often linear, villages, hamlets and scattered farmsteads, in local stone.

4.44 The local landscape character is defined in the Forest of Bowland National Landscape - Landscape Character Assessment 2025, referred to in Section 3 of this Statement and relevant extracts of which are at Appendix 3. As the Council notes in the Officer Report (Appendix 2), the appeal site is located in Landscape Character Type D: Moorland Fringe, and Landscape Character Area D11: Longridge Slopes. Paragraph D.15 explains:

This landscape character type is characterised by isolated stone farmsteads which are usually constructed from local gritstone with a general absence of hamlets or villages. Farmsteads are often situated on tracks following contours and dry stone walls form the majority of field boundaries, with distinctive through and coping stones, creating strong patterns in the landscape and reflecting the underlying geology. The network of narrow, winding roads, often at the foot of slopes is evident and other built elements in the landscape include stone field barns and walls.

4.45 The Council does not list the relevant Key Landscape Sensitivities for the Landscape Character Type D which are:

- Valuable ecological habitats within the wider improved pasture including traditionally managed meadows and acid grassland which support a diverse range of bird species
- Numerous scattered, isolated, traditional historic farmsteads
- The presence of packhorse ways and parish boundary markers are still present in the landscape
- The distinctive pattern of stone walls which exhibit traditional construction styles.

4.46 The Council also does not refer to the relevant development management guidelines for the Landscape Character Type D and Landscape Character Area D11, which are to:

- Ensure any new built form respects the simple architecture of farmsteads and reflects the characteristic settlement pattern of small, isolated clusters of dwellings and individual farmsteads
- Protect skylines and key views to and from the area, from tall, vertical and large-scale developments that may affect the character and views to and from the area
- Retain dry stone walls, repairing those that are in disrepair
- Ensure any new development is sensitive to the local vernacular and siting and design considers effects on the National Landscape

4.47 The Design and Access Statement demonstrates that the proposed dwelling has been designed with these key landscape sensitivities and development management guidelines in mind, and it clearly corresponds, directly, to the following:

- the settlement pattern and built form of scattered, isolated and traditional farmsteads constructed using simple-architecture and local gritstone materials
- development situated on tracks and packhorse trails
- dry stone walls forming the majority of field boundaries and creating strong distinctive patterns in the landscape
- valuable ecological habitats including traditionally managed hay meadows

4.48 Considering residual landscape effects, the Landscape and Visual Appraisal draws the following conclusions:

5.15 *At Year 15, landscape and ecological enhancement measures within the site and planting proposals designed to assist integration of the built form within the landscape setting and create context to views, will have established. Landscape and ecological measures will result in the enhancement of the immediate setting of the National Landscape within the site in line with the Statements of Opportunity identified for NCA 33: Bowland Fringe and Pendle Hill and actions identified within the Forest of Bowland Management Plan, under Theme 1 - An Outstanding Landscape of Natural and Cultural Heritage. Proposed planting in the form of native scrub, hedgerows and tree planting will provide an appropriate landscape setting to the dwelling and assist in the contextual framing and filtering of views from visual receptors using landscape features aligned to the characteristics of the National Landscape. This will create visual coalescence with existing landscape features, such as the Cowley Brook corridor, and allow the new built form to sit comfortably within the receiving landscape.*

5.50 *At Year 1 of operation, direct effects to a small geographical extent of Landscape Character Area D11: Longridge Slopes will arise from the loss of a small part of the pastoral field and introduction of the new dwelling, including associated changes to landscape features within the garden area, landscape / biodiversity enhancements within the wider site and the access track to the dwelling. The presence of scattered, isolated dwellings is not considered to be out of character within Landscape Character Area D11: Longridge Slopes subject to sensitive design.*

4.49 The assessment also confirms that there are no residual visual effects of more than a minor level, and most are negligible, confirming that the proposed dwelling will not be highly visible in the National Landscape and noting, in particular:

- The existing landscape, including landform and planting, screens the proposed development for most visual receptors
- Existing hedgerows and tree planting to the Higher Road frontage, intervening field boundaries and undulating topography, provide screening and filtering of views, even in winter months

- Views towards the proposed dwelling have been carefully considered to ensure the scale, architectural features and materiality are in keeping with surrounding landscape and will be experienced in glimpsed views against the backdrop of existing scattered rural properties
- Receptors experiencing a higher magnitude of effect at Year 15 are the houses at, and the users of, Higher Road and Stoneygate Lane which will see glimpsed, oblique views through gaps in boundary vegetation and at the access point. The ground floor of the proposed dwelling is hidden by the sloping landform and the proposed cantilevered first floor will only be visible in some mid-range views as an intended, glimpsed, architectural feature as endorsed by the Places Matter design review panel in July 2023.

4.50 On the basis of the above landscape and visual evidence, the Appellant has demonstrated that the proposed dwelling is sensitive to the defining characteristics of the local area and the fourth requirement of NPPF 84e is satisfied.

Conclusion on Reason for Refusal 1

- 4.51 The Council and Appellant agree that the appeal site is an isolated location in the countryside and, therefore, NPPF 84e is engaged for the purposes of determining this appeal. The Appellant's evidence including, importantly, that resulting from the Places Matter design review process, demonstrates that the proposed dwelling meets all of the criteria of NPPF 84e and, therefore, it is a design of exceptional quality and an acceptable form of development within the Forest of Bowland National Landscape, and which will conserve and enhance landscape character and scenic beauty.
- 4.52 The proposed dwelling is therefore in accordance with the objectives of NPPF 84e and NPPF 189, and does not conflict with Key Statement EN2 and the relevant parts of Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

Reason for Refusal 2

4.53 This is:

The proposal is considered to be in direct conflict with Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of a new residential dwelling, located outside of a defined settlement boundary in an unsustainable location where future occupants would be reliant on private motor vehicle, without sufficient justification, in that it has not been adequately demonstrated that the proposal would meet any of the exception criterion inherently contained within the policy requirements or contained within Para.84(e) of the Framework.

- 4.54 This reason is concerned with the creation of an isolated dwelling in the countryside outside a defined settlement which will conflict with the Ribble Valley spatial development strategy. The Council does not agree that this policy conflict is outweighed by material considerations because, in its opinion per Reason for Refusal 1, it considers that the proposed dwelling does not satisfy the criteria of NPPF 84e and conflicts with NPPF 189. The Council therefore considers that Reason for Refusal 2 is justified.

4.55 Applying the same logic, the converse must be true, and the Council and Appellant agree²¹ that if the proposed dwelling is found to satisfy all of the criteria of NPPF 84e, then the locational conflict with Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy cannot be substantiated and Reason for Refusal 2 is not justified on a standalone basis.

4.56 This approach is correct and has been applied by Inspectors as follows:

In appeal APP/K0235/W/19/3241508 (at Appendix 4) the Inspector found:

5. I acknowledge that the Council, in their reason for refusing planning permission, has cited conflict with the development plan by virtue of the proposal not making a meaningful contribution to supporting the vitality and viability of services and facilities in nearby settlements. Nevertheless, it is my interpretation of the Council's case that these objections would fall away should it be found that the proposal accords with the requirements of paragraph 79(e) of the Framework.

The Inspector in appeal APP/D0840/W/21/3288120 (at Appendix 6) found:

9. Despite the disadvantage of an isolated location, the merits of a dwelling's design and an enhancement of its setting, are capable of justifying the particular development. The Framework is current Government policy and is now six years more up to date than the Local Plan policies. I therefore conclude that if confirmed as a qualifying paragraph 80(e) proposal, the appeal scheme's relative lack of sustainability in terms of accessibility to daily services and facilities is, by definition, not a sound reason for refusal of permission. In short, the absence of a sustainable location (other than walking and cycling to Bodmin on the Camel Trail) has already been factored into paragraph 80(e).

Conclusion on Reason for Refusal 2

4.57 The Appellant considers that the NPPF 84e policy exception defines the Government's view of what sustainable development means in practice, where an isolated home in the countryside of exceptional design quality is proposed. It provides a decision maker with the necessary justification to determine a planning application for a qualifying new dwelling other than in accordance with the development plan.

4.58 Therefore, in the event it is found that the proposed dwelling meets the criteria of NPPF 84e and thereby is a design of exceptional quality, the Appellant considers that this cannot be overturned by the locational conflict with Policies DMG2, DMG3 and DMH3 of the Ribble Valley Core Strategy. The policy conflict is therefore outweighed by NPPF 84e as a key material consideration and cannot be sustained as a reason for refusal.

²¹ Paragraphs 2 and 3 on page 7 of the Officer Report (at Appendix 2)

5 Planning balance

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and states, that; 'if regard is to be had to the development plan for the purposes 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'.
- 5.2 Therefore, whilst the relevant policies of the Ribble Valley Core Strategy 2008 to 2028 are the starting point for determining this appeal, the Appellant's planning application is made expressly in accordance with the national policy exception provided by NPPF 84e which justifies the development of isolated new homes in the countryside where their design is of exceptional quality.
- 5.3 The Council and Appellant agree that the appeal site qualifies as an isolated location, meaning that NPPF 84e is engaged, and the Appellant and the Places Matter independent design review panel consider that the design of the proposed dwelling is of exceptional quality and meets the criteria of NPPF 84e.
- 5.4 The Appellant's position is therefore that the proposed dwelling is in accordance with Key Statement EN2 and Policies DMG2 and DME2 (landscape), Policy DME4 (heritage), Policy DME1 (trees and woodland), Key Statements DS2, EN3 and EN4 and Policies DME3, DME5 and DME6 (sustainability and biodiversity) and Policy DMG1 (general considerations) of the Core Strategy and, because of its countryside location outside a defined settlement, in conflict with the spatial development strategy expressed in Policies DMG2, DMG3 and DMH3. Therefore, the planning application conflicts with the development plan as a whole.

Material considerations

- 5.5 The NPPF 84e policy exemption defines the Government's view of what sustainable development means in practice, where an isolated home in the countryside of exceptional design quality is proposed. National planning policy therefore provides a decision maker with the necessary justification to determine a planning application for a qualifying new dwelling other than in accordance with the development plan, and the Appellant considers that the locational conflict with Policies DMG2, DMG3 and DMH3 is outweighed by the compliance with NPPF 84e in this appeal.
- 5.6 The Council agrees that, if upheld in this appeal, compliance with NPPF 84e can outweigh the development plan conflict. On page 7 of the Officer Report (at Appendix 2) it says:
- *The application relies upon the proposal satisfying the requirements of Paragraph 84(e) of the National Planning Policy Framework, which if met, would allow the proposal to be treated as an exception to locally adopted development plan policies that seek to restrict the creation of new residential dwellings in isolated locations or outside of settlement boundaries.*

- *As such, should the proposal satisfy the requirements of paragraph 84(e), the identified locational conflict(s) with Policies DMG2 and DMH3, as identified above, could be outweighed by the support afforded to such development by the Framework.*

5.7 The Inspectors in the allowed appeal decisions included with the Planning Statement Appendix 4 and submitted with this Statement of Case, have applied the same approach to decision-making whereby:

In appeal APP/K0235/W/19/3241508 (Appendix 4), the Inspector found:

18. *The appeal site, consistent with being isolated, is situated well away from the nearest designated village settlements of Stevington and Pavenham, which would not be conveniently accessible via a genuine choice of transportation modes. Indeed, whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal conflicts with Policies 2S, 3S, 4S, 7S, 29, 31, 53 and 87 of the Local Plan in so far as these policies set out a spatial strategy that directs limited development to rural areas in line with the existing and potential capacity of infrastructure and services and require that, wherever possible, development should be located and designed to provide convenient access to local services by foot, cycle and public transport.*
19. *However, I have not been made aware of a development plan policy that relates specifically to proposed development of exceptional design quality in the countryside. The proposal accords with the requirements of paragraph 79(e) of the Framework, which is a policy provision that specifically applies where an isolated home in the countryside is proposed. The Framework is a very important material consideration when considering the merits of rural development proposals designed to meet exceptional standards. Thus, there are material considerations that indicate that the proposal should be determined other than in accordance with the development plan.*

In appeal APP/D0840/W/21/3288120 (Appendix 6), the Inspector found:

18. *Having had regard to all other matters raised, I conclude that although the appeal proposal would be in conflict with some parts of Local Plan Policies 1, 2, 3, 7, 12, 21 & 23, this would not be unacceptably harmful. This is because the scheme would fully comply with Paragraph 80(e) of the Framework and is thereby justified as an exception to other local and national policies. I shall therefore allow the appeal.*

In appeal APP/U1105/W/25/3364929 (Appendix 7), the Inspector found:

39. *A moderate level of harm would be caused as a result of the conflict with EDLP Strategies 1 and 5B and policy TC2. Whilst the proposal would comply with EDLP Strategy 47 and policy TC12, the conflict identified above would cause conflict with the development plan as a whole.*

40. *Set against this harm, the design of the dwelling would be of exceptional quality and therefore accords with the Framework's policy regarding isolated homes in the countryside. Recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, isolated homes by their nature are unlikely to have safe and suitable access to settlements by means other than the private car.*
41. *The exceptional design quality of the development, with its energy efficiency and reuse of water promoting high levels of sustainability, would be a substantial benefit of the scheme. This attracts significant weight in favour of the development which outweighs the conflict with the development plan.*

5.8 In addition to being of exceptional design quality by meeting the criteria of NPPF 84e, the proposed dwelling in this appeal will also provide additional benefits including the provision of on-site biodiversity net gain, well above the statutory requirement, and the excavation, preservation and public display of the archaeological remains of the Roman road within the appeal site. The Appellant considers that these are also material considerations which should be given positive weight in the planning balance.

5.9 The Council did not treat the increased level of biodiversity net gain as a meaningful benefit of the proposed development in its determination of the previous planning application. It has since corrected this however and, on page 12 of the Officer Report (at Appendix 2), now says:

- *The submitted details outline that the proposed new landscaping and ecology enhancements would add area and hedgerow habitat units to achieve an on-site net gain of 19.73% and a hedgerow gain of 135.4% which they note are beyond mandatory requirements and should therefore attract greater weight than previously assessed under planning ref: 3/2025/0095.*

5.10 The Council also previously attached no weight to the Appellant's proposal to excavate and preserve the remains of the Ribchester to Carlisle Roman road which crosses the appeal site for public display. It has since reviewed this, on the basis of the LiDAR mapping submitted by the Appellant and, on page 17 of the Officer Report (at Appendix 2), now gives this limited weight as a heritage benefit.

5.11 The Appellant explains the heritage benefit of the proposed excavation, preservation and public display of the archaeology in paragraphs 5.75 and 5.76 of the Planning Statement. It considers that it is a significant heritage gain and public benefit in accordance with NPPF 219 which encourages opportunities to 'enhance or better reveal' the significance of heritage assets in connection with new development proposals.

5.12 In addition, and in response to the uncertainty the Council expresses on page 17 of the Officer Report (at Appendix 2), the Roman Roads Research Association has provided a short Statement of intent for submission with this appeal (at Appendix 8). It confirms the existence of the remains and their importance to the understanding of the early decades of Roman Britain, and that making them visible and accessible to the public is to be applauded.

- 5.13 The Statement also provides an updated explanation of how people wanting to view the remains of the road will be able to access the proposed visitor car park by using a link on the Roman Roads Research Association website. There will also be an on-site visitor information display board about the road and a QR code link to an online interactive exhibition.

Conclusion

- 5.14 This Statement of Case demonstrates that the exceptional design quality of the proposed dwelling, which satisfies the stringent tests of NPPF 84e, and the additional benefits it will deliver, as explained above, are important material considerations which clearly outweigh the limited conflict with the Ribble Valley Core Strategy as a whole.
- 5.15 Consequently, having regard to the development plan and all material considerations, there is clear and compelling justification for planning permission to be granted contrary to the development plan in this case and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Appellant therefore respectfully requests that the appeal is allowed.

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