

**APPEAL BY
MR J WADE
AGAINST THE REFUSAL OF
RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT PLANNING PERMISSION FOR
CHANGE OF USE OF APPROVED GARAGE OFFICE AND
ACCOMMODATION TO REINSTATE ORIGINAL DWELLING
AT
WOODFIELD FARM, LONGSIGHT ROAD, CLAYTON-LE-DALE
LANCASHIRE BB2 7JA**

Grounds of Appeal Statement

**PINS Reference: APP/T2350/A/14/2228213
LPA Reference: 3/2013/0442
Refused: 15 July 2014**

October 2014

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1. INTRODUCTION

- 1.1 This Statement sets out the grounds of appeal / the planning case for granting planning permission for the above development. It should be read in conjunction with the following all plans / documents submitted with the planning application (as detailed in Appendix A).

2. THE PROPOSAL

- 2.1 The application to which this appeal relates sought permission to convert an approved garage store and office accommodation within the curtilage of a dwelling to a separate residential dwelling. The proposal included the subdivision of the residential curtilage so that each property would have its own parking area and manoeuvring space.
- 2.2 A site plan showing the extent of the application site was submitted with the application. The plan shows the extent of the site, the dwelling the garage/store/office building the existing site boundaries and relationship to the neighbouring properties.
- 2.3 The application was validated by Ribble Valley Borough Council on 20 May 2014 and given reference 3/2013/0442.

3. APPEAL SITE AND SURROUNDINGS

- 3.1 Woodfield Farm is situated in an area of open countryside adjacent to the A59. The Farm comprises a recently constructed 5 bedroom detached house, tennis court and 4 acres of land. Within the curtilage is the former 1850's farmhouse and outbuilding which has been converted to office accommodation and an undeveloped attached barn. Next to the former farmhouse is a small stone outbuilding. Woodfield Farm is adjacent to Wood Field Garage and the dwelling Strathaven. There are bus stops on the A59 near Showley Road 430m from the appeal site with an express bus service between Skipton and Preston calling at Whalley and Clitheroe. A pavement with street lighting runs along the A59 between the appeal site and the bus stop.

4. RELEVANT PLANNING HISTORY

4.1 Planning permission 3/2006/0343/P was granted on the 19th June 2006 for the erection of a replacement dwelling and the conversion of the existing dwelling to garaging and office accommodation and the extension of the residential curtilage to include the former farm yard area. (see Essential Supporting documents listed at Appendix A-Planning Statement appendix 1).

4.2 The permission was subject to a number of conditions, including Condition 3 which restricted the use of the office accommodation. Condition 3 reads as follows:

“The proposed offices shall only be occupied as office accommodation in connection with the businesses operated by occupants of the proposed new dwelling with a maximum of two employees present at any one time. In no event whatsoever shall it be used as a separate office accommodation or shall there be business related visitors to the offices.”

Reason: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan as division of the site into a separately occupied unlimited business unit could prove injurious to highway safety.”

4.3 The permission was also restricted by a unilateral undertaking dated 19th June. The undertaking bound the owners and their successors in the following manner:

“ 1. The existing dwelling on the site shown coloured brown on the plan shall no longer be used as a residence and will not be used for ancillary residential purposes.

2. The existing dwelling will be converted to provide garaging facilities and office accommodation which will be used exclusively by the occupants of the proposed new dwelling on site coloured yellow on the plan and two employees and will not function to openly attract retail or commercial callers to the premises.

3. The existing consent reference number 3/2005/0766 which permits the extension of the existing dwelling edges brown on the plan will not be implemented.”

See Appendix A-Planning Statement appendix 2.

- 4.4 Planning application 3/2014/0101 Retrospective application for change of use from agriculture to domestic curtilage was granted permission on the 20/03/2014.
- 4.5 The planning application the subject of the appeal was originally submitted to the Council in May 2013. The discussions with the Planning Officer were initially positive regarding the proposal. However it came to light that the domestic curtilage to the new dwelling did not reflect that granted under permission 3/2006/0343 and the application was made invalid until this was regularised under permission 3/2014/0101. Planning permission was subsequently refused. The reasons given for refusing planning permission were:
1. The proposal is considered contrary to Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and key statement DS1 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy Main Modifications (May 2014) in that the approval would lead to the creation of a new dwelling in an isolated location within the open countryside without sufficient justification which would cause harm to the development strategy for the borough as set out in the emerging core strategy leading to unsustainable development.
 2. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals without sufficient justification which would have an adverse impact on the implementation of the emerging planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.
 3. The site is in a predominantly rural location and by virtue of its isolation is considered to be an unsustainable location for the creation of a new independent dwelling. Approval of this development would lead to further sporadic ribbon development which would be highly dependent on the use of the private motor vehicle and would not accord with the presumption in favour of sustainable development. As such, the proposal is contrary to NPPF presumption in favour of sustainable development, and it would also be contrary to guidance within the Local Plan Policies G1, G5, H2 and ENV1 and Ribble Valley Core Strategy Proposed Main

Modifications (May 2014) Policies DMG1, DHG2, DMH3, and DME2 and guidance within the NPPF.

5. DEVELOPMENT PLAN POLICY

- 5.1 The relevant part of the Development Plan for the purposes of this appeal is the Ribble Valley Local Plan. The following saved policies of the adopted Ribble Valley Local Plan are relevant to the proposal.
- 5.2 Policy G1: (General Considerations) – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- 5.2 Policy G5: Settlement Strategy – outside the main settlements and village boundaries planning consent will only be granted for small scale developments which fall within specified categories.
- 5.3 Policy H2: Dwellings in the Open Countryside – outside the settlement boundaries residential development will be limited to specified categories
- 5.4 Policy T1: Transport – lists criteria to which the Council will attach considerable weight in deciding planning applications. The criteria include the availability and adequacy of public transport and the location of development in areas which maintain and improve choice to walk, cycle or catch public transport rather than drive between homes and facilities.
- 5.5 Policy ENV1: Area of Outstanding Natural Beauty
- 5.6 Policy ENV3: Open Countryside – development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, materials etc.
- 5.7 Policies H15 to H17 Conversion of buildings to dwellings in the rural areas.

5.8 Policy T7: Parking Provision – requires all development proposals to provide adequate car parking and servicing space.

5.9 The Local Plan Proposals Map identifies the appeal site as being in the Forest of Bowland Area of Outstanding Natural Beauty policy ENV1.

6. NATIONAL PLANNING POLICY / GUIDANCE

6.1 The National Planning Policy Framework (NPPF) clearly states *'that the purpose of the planning system is to contribute to the achievement of sustainable development'* (paragraph 6). Paragraph 197 confirms that *'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'*. Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that *'for decision-taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
 - *specific policies in this Framework indicate development should be restricted'.*

6.2 Paragraph 7 refers to the three dimensions of sustainable development – economic, social and environmental. An elaboration of the Government's view of what sustainable development means in practice for the planning system is detailed later in the NPPF. Relevant parts are referred to at paragraph 6.6 below.

6.3 The NPPF (paragraphs 2, 11, 12 and 196) confirms that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise, ie the development plan is the starting point for decision making.

- 6.4 The NPPF highlights the importance of development plans being kept up to date (paragraph 12). Decision taking in the absence of an up to date development plan is addressed at paragraph 14 (see 6.1 above). At paragraph 214 it is confirmed that *‘for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a degree of conflict with this Framework’*. Paragraph 215 continues by stating that *‘in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to the degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)’*. Paragraph 49 provides further guidance on the matter. It states *‘housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’*.
- 6.5 Paragraphs 2, 8, 13, 196 and 212 confirm that the NPPF is a material consideration in planning decisions.
- 6.6 The main body of the NPPF addresses the components of sustainable development. The aspects of those components most relevant to the appeal are:
- ‘promoting sustainable transport’ – decisions should take account of whether safe and suitable access to the site can be achieved for all people and development should only be refused where the residual impacts of development are severe (paragraph 32);
 - ‘delivering a wide choice of high quality homes’ – local planning authorities are expected to boost the supply of housing (paragraph 47). In this regard, local planning authorities should *‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements’*. Paragraph 47 goes on to require an additional ‘buffer’ of 5% to ensure choice and competition in the market for land. Local planning authorities should increase the ‘buffer’ to 20% where there has been a record of persistent under delivery of housing;
 - ‘requiring good design’ – developments should add to the quality of the area, and reinforce local distinctiveness; and

- 6.7 At paragraph 216 the NPPF addresses the issue of weight to be accorded to emerging plans. It states that weight may be given to relevant policies from the date of publication, according to the stage of preparation, the extent of unresolved objections and consistency with the policies of the NPPF.
- 6.8 The National Planning Practice Guidance (PPG) addresses the circumstances in which it might be justifiable to refuse planning permission on the grounds of prematurity (paragraph: 014; reference ID: 21b-014-20140306; revision date 06 March 2014). It states that *'arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account'*. The PPG goes on to state that *'those circumstances are likely, but not exclusively, to be limited to situations where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area'*.

7. EMERGING LOCAL DEVELOPMENT FRAMEWORK

- 7.1 In summary, the Ribble Valley Core Strategy is currently at the examination stage. Public hearings were held in January 2014. However, following these hearings, the Inspector expressed a number of fundamental concerns regarding the soundness of the Plan. As a result of the Inspector's concerns, the Council reviewed its intentions for the Plan and published a number of proposed main modifications to the Core Strategy. These related, in particular, to a further increase in housing provision levels / requirements and significant changes to the distribution of housing between settlements. These were the subject of two consultation periods ending in July and September 2014 respectively. Significant objections have been made to the Plan and the recent proposed main modifications. The further objections to the proposed

main modifications have yet to be examined and reported upon by the Inspector. Indeed, there is a very real prospect of further public hearing sessions being called.

- 7.2 The following key statements / policies of the Core Strategy (as submitted in September 2012) are relevant to consideration of the appeal proposal.
- 7.3 Key Statement DS1 (Development Strategy) – seeks to direct the majority of new housing development to the strategic (Standen) site and the main urban areas of the Borough.
- 7.4 Key Statement DS2 (Presumption in Favour of Sustainable Development) – sets out a presumption in favour of sustainable development and reiterates the provisions of paragraph 14 of the NPPF.
- 7.5 Key Statement H1 (Housing Provision) – makes provision for 4000 dwellings over the period 2008 to 2028 at a rate of 200 dwellings per year.
- 7.7 Policy DMG1 (General Considerations) – sets out various criteria to be considered in assessing planning applications, including a high standard of building design, proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.
- 7.8 Policy DMG2 (Strategic Considerations) – expects development to be in accordance with the Development Strategy.
- 7.9 Policy DMG3 (Transport and Mobility) – in assessing proposals considerable weight will be attached to the availability and adequacy of public transport and associated infrastructure. The assessment criteria listed also include the location of development in areas which maintain and improve choice to walk, cycle or catch public transport rather than drive between homes and facilities.
- 7.10 Policy DME2: Landscape and townscape protection. Development proposals which significantly harm important landscape or landscape features.

- 7.11 Policy DMH3; Dwellings in the open countryside and AONB limited the type of development which will be permitted.
- 7.12 Policy DMH4: The conversion of barns and other buildings to dwellings, permission will be granted where the development meets the stated criteria.
- 7.13 Policy DMB1: Supporting business growth and the local economy, proposal for the redevelopment or conversion of site with employment generating potential will be assessed against stated criteria.
- 7.14 Policy EC1: Business and employment development proposals that result in the loss of existing employment to other forms of development will need to demonstrate that there will be no adverse impact on the local economy.
- 7.15 The following policies contained in the latest round of proposed main modifications to the Core Strategy are relevant to consideration of the appeal proposal:
- 7.16 Key Statement DS1 (Development Strategy) - seeks to direct the majority of new housing development to the strategic (Standen) site and the principal settlements of the Borough (Clitheroe, Longridge and Whalley). Development is also focused towards a number of Tier 1 Villages, regarded as being the most sustainable of the 32 defined settlements. Within the remaining 23 defined settlements (Tier 2 Villages,), development will need to meet proven local needs or deliver regeneration benefits.
- 7.17 Key Statement H1 (Housing Provision) – makes provision for 5,600 dwellings over the period 2008 to 2028 at a rate of 280 dwellings per year.
- 7.18 Policy DMG2 (Strategic Considerations) - expects development to be in accordance with the Development Strategy (as set out in Policy DS1).
- 7.19 With the exception of the Standen site no site allocations are made by the Core Strategy. These are to follow in a Site Allocations Local Plan. The Council has yet to publish a consultation draft Site Allocations Local Plan.

8. OTHER RELEVANT POLICY DOCUMENTS / INFORMATION

Housing Land Supply

- 8.1 In a report to the Council's Planning and Development Committee, at its meeting on 18 September 2014 (see Appendix B), an update was provided on housing land supply to 30 June 2014. This showed a total supply of 2642 units, equating to a 5.10 years' supply based on the Core Strategy main modifications housing provision levels of 280 dwellings per year, and applying the Sedgefield method.

9. PLANNING ASSESSMENT

- 9.1 Reflecting the nature of the proposal, its context, relevant national and local planning policies, the reasons for refusal of planning permission, the main planning issues for consideration, are as follows:

- the principle of the development, having regard to the Development Plan, the emerging Core Strategy, the housing land supply position and the provisions of national planning policy / guidance;
- the visual amenity implications of the development;
- the effect on the local economy;
- other miscellaneous planning considerations.

Each of these issues is addressed in turn below.

The Principle of the Development

The Provisions of the Development Plan

- 9.2 Having regard to the legal basis for assessing planning applications and the NPPF, the accepted starting point for decision making is the Development Plan.
- 9.3 The Development Plan currently in force is the Ribble Valley Local Plan.
- 9.6 Policy G5 permits small scale development outside settlement boundaries. The proposal is for small scale development and in principle is acceptable because it is in a sustainable location. The supporting text states that the policy recognises the need to protect the countryside from inappropriate development but also recognises that if properly managed development can be accommodated without harming the

basic character of the area. The site is in the open countryside. Policy ENV3 requires new development to be in keeping with the character of the landscape.

9.7 Policy H15 of the local plan allows for the conversion of rural buildings to dwellings provided specific criteria are met. The outbuilding the subject of the appeal can be considered to be a rural buildings for which the proposal is to convert to a dwelling.

9.8 In consideration of these points, it is submitted:

- i) the proposed development is immediately adjacent to existing group of buildings;
- ii) no physical alterations to the building or the site are required to carry out the conversion so there would be not negative impact on the landscape or nature conservation interests;
- iv) the use of the building as offices has been unsuccessful so there would be no adverse impact on the local economy this is discussed further in a subsequent section of this Statement.

9.9 Having regard to the above, it is concluded that the principle of a small scale housing development at the site, as proposed, would be fully compliant with Development Plan policy as set out in the Ribble Valley Local Plan. Other policies of the Local Plan relevant to the appeal relate to more detailed planning considerations. These are addressed in subsequent sections of this Statement.

The Provisions of the Emerging Core Strategy

9.10 Ribble Valley Borough Council has engaged in a long process of evidence gathering for the Core Strategy and produced the first Issues and Options consultation leaflet in 2007. Subsequently, optional strategies for the distribution of housing development were consulted upon in 2010 and 2011.

9.11 Following publication of the Core Strategy in early 2012, the Core Strategy was submitted in October 2012. The distribution of housing development proposed in the submission document provided for a residual requirement (having taken account of planning permissions granted) of 583 dwellings within the 'other settlements', ie those settlements other than the main towns of Clitheroe, Longridge

and Whalley and the Staden strategic site, out of a total residual requirement of 2,534 dwellings.

- 9.12 In August 2013, the Council published proposed main modifications to the submitted Core Strategy document. Consequent upon evidence of an increased housing requirement, the proposed main modifications provided for a total residual requirement of 2,767 dwellings and a residual requirement for the 'other settlements' of 732 dwellings.
- 9.13 Following the public examination hearings in early 2014, and subsequent comments to the Council from the Inspector, the Council published further proposed main modifications to the submitted Core Strategy document. These were consulted upon in periods ending in July and September 2014. The proposed main modifications provided for a further increased housing requirement, and substantial changes to the proposed distribution of housing between settlements. The latest consultation periods have led to the submission of further and significant objections, including those submitted by this practice. The further objections to the proposed main modifications have yet to be examined and reported upon by the Inspector. Indeed, there is a very real prospect of further public hearings being called.
- 9.13 The principle of the appeal proposal is compliant with the submission version of the Core Strategy (as referred to at 9.10 above) and the subsequent proposed main modifications (as referred to at 9.11 above). The reason being that the development is in a sustainable location and involves the conversion of an existing rural building and is as such an exception to these policies under policy DMH4.
- 9.14 The Council refers to the latest proposed main modifications Policies DS1 (Development Strategy) and DMG2 (Strategic Considerations) in its refusal of planning permission notice, reason 1.
- 9.15 In relation to Policy DS1 reference has already been made to the Council's continued modification of the policy and objections submitted, including those from ourselves (Appendix C). Given the scale and nature of representations, it is contended that significant weight cannot be afforded to the policy in deciding the

appeal proposal. The issue of the weight to be applied to the emerging Core Strategy policy is addressed further in the later section relating to the provisions of national policy / guidance.

- 9.16 Policy DMG2 expects development to be in accordance with the Development Strategy (as set out in Policy DS1). As such, the policy cannot be afforded significant weight in deciding the appeal proposal for the reasons set out at 9.15 above. In any case the proposal need not comply with this policy as it can be considered as an exception under policy DMH4.

The Housing Land Supply Position

- 9.17 As reported at 8.1 above, the Council claims a 5.1 year supply of housing land (see Appendix B). However, an examination of the calculation / composition of this supply suggests that the Council has a lesser supply figure. In particular:
- a. the Council has a record of a persistent under delivery of housing over past years, which it acknowledges. Accordingly, the 20% buffer referred to in NPPF paragraph 47 applies. The Council has applied the 20% buffer to the five year requirement derived from its latest annual housing provision level of 280 dwellings. That is, a 20% buffer on 1400 dwellings (280×5), making a total requirement of 1680 ($1400 + 20\%$ or 280). This, incorrectly, takes no account of the shortfall in housing provision since the start of the plan period (ie from 2008). The Council identify the shortfall to be 910 dwellings. To be correct, the 20% buffer should be applied to this figure. This results in an additional housing requirement of 182 dwellings (ie 20% of 910), and produces a total five year requirement of 2772 (compared to the Council's figure of 2590) or an annual requirement of 554 (compared to the Council's figure of 518);
 - b. the Council considers that the Higher Standen Farm site will deliver 300 dwellings (of the total site yield of 1040 dwellings and a mix of other uses on a site of 51.4 hectares) within a five year period. The five year delivery figure is based on 100 dwellings being completed in each of the last three years of the five year period. This is not considered to be a credible or realistic figure based on our knowledge

of the site and the circumstances relating to its development. The outline planning permission is subject to a judicial review challenge, for which a Court hearing date has yet to be confirmed, but will not be before mid-November 2014. . The development is the largest single housing site in the Borough. The lead-in times before any start on site associated with a development of this scale and complexity will inevitably be long. The Council has assumed that a start on the development can be made in sufficient time for delivery of 100 units per year for three years. That is, dwellings being completed continuously at that rate from 1 July 2016. Given the advance infrastructure to be provided to serve site prior to delivery of houses on site, a commencement of development would be required at least a year in advance of that date. That is only nine months from now. There is no reasonable prospect of that occurring given that no application has yet been made for approval of any reserved matter nor for the discharge of the numerous pre-commencement conditions imposed on the outline planning permission. Finally, there is only a single point for general vehicular access to the site. A housing developer can normally expect to deliver a maximum of 25 to 30 units a year from a single site. A lower figure would apply where there are multiple developers. In this instance, it is reasonable to assume that there would be only two or (at most) three separate developers. Having regard to all these factors, it is submitted that the Council's delivery figure is grossly over-inflated. A more realistic (but still optimistic figure) would be the delivery of 100 to 150 units over the five year period; and

- c. the Council considers that the Whalley Road, Barrow site will deliver 300 dwellings (of the total site yield of 504) within a five year period. The outline planning permission was granted on appeal in February 2014. The Council has assumed that a start on the development can be made in sufficient time for delivery of 100 units per year for three years, with four concurrent developers. That is, dwellings being completed continuously at that rate from 1 July 2016. This is not considered to be a credible or realistic figure based on our knowledge

of the site and the circumstances relating to its development. Given the infrastructure requirements for a site of this size, a commencement of development would be required at least a six months in advance of that date. That is only 15 months from now. There is little or no reasonable prospect of that occurring given that no application has yet been made for approval of any reserved matter nor for the discharge of the pre-commencement conditions imposed on the outline planning permission. A housing developer can normally expect to deliver a maximum of 25 to 30 units a year from a single site. A lower figure would apply where there are multiple developers. Whilst this site has scope for multiple developers, it is highly unlikely that four would develop concurrently. It is certainly the case that four (or fewer) developers would be unable to achieve a delivery of 100 units a year on such a site in normal market conditions. Having regard to all these factors, it is submitted that the Council's delivery figure is grossly over-inflated. A more realistic (but still optimistic figure) would be the delivery of 100 to 150 units over the five year period.

9.18 Applying these adjustments, individually or cumulatively, results in the following housing supply figures:

- a. applying the 20% adjustment as above – the annual requirement is calculated to be 554 dwellings, against the Council's identified five year supply of 2642 dwellings. This results in a **supply of 4.77 years** ($2642 / 554 = 4.77$);
- b. applying the adjustment as above for Higher Standen Farm – the identified five year supply would be 2492 (ie Council's supply of 2642, discounted by a minimum of 150 dwellings). This results in a **supply of 4.81 years** (revised supply of 2492 / annual requirement of 518 = 4.81);
- c. applying the adjustment as above for Whalley Road, Barrow – the identified five year supply would be 2492 (ie Council's supply of 2642, discounted by a minimum of 150 dwellings). This results in a **supply of 4.81 years** (revised supply of 2492 / annual requirement of 518 = 4.81);

- d. applying all of the above adjustments - the annual requirement is calculated to be 554 dwellings. The identified five year supply would be 2342 (ie Council's supply of 2642, discounted by a minimum of 300 dwellings). This results in a **supply of 4.23 years** (revised supply of 2342 / annual requirement of 554 = 4.23);

9.19 Having regard to the above, it is concluded that the Council's calculation of its housing land supply figure is unreliable and that it is not able to demonstrate a five year supply of housing land. The implications of this will be considered in the following section.

The Provisions of National Policy and Guidance

9.20 The NPPF (paragraph 14) expects development proposals that accord with the Development Plan to be approved without delay. As set out within the earlier section of this Statement on the provisions of the Development Plan, it is demonstrated that the principle of the appeal proposal is compliant with the Ribble Valley Local Plan, in particular Policy G5. Accordingly, planning permission should be granted without delay.

9.21 There are benefits associated with the development in relation to each of the dimensions of sustainable development as listed in the NPPF, paragraph 7, as summarised below:

- economic – the construction of new housing would contribute to economic growth during the construction phase and through the introduction of new households to the area;
- social – the proposal would contribute to the provision of market housing, for which there is a identified need; and
- environmental – the proposal provides an opportunity to deliver development on a site which has no particular wildlife value, does not fall within an area identified as being at risk of flooding and in a manner that would have no other harmful impacts on the built and historic environment.

9.22 Having regard to other aspects of sustainability referred to within the NPPF:

- the site is conveniently located for the hourly bus service along Longsight Road (A59) linking the site to the larger towns of Preston (12 minutes travel time), Whalley (10 minutes travel time) and Clitheroe (25 minutes travel time) and the nearby services as Mellor Brook (approx. 5 mins travel time) and Langho (8 Mins travel time). The service also serves the Enterprise Zone site a Samlesbury (approx. 5 mins travel time). The Samlesbury site provides substantial high technology employment at the BAe manufacturing and aerospace facility, and is identified as a location for substantial future employment growth. Bus service 280 timetable see appendix D
- whilst the range of services close to the appeal site is limited there is primary school at Osbaldeston 1.2km along the A59 towards Preston, and on the bus route, a good range of conveniently located key services and facilities available within the nearby settlement of Langho (rail station, hairdresser, take away, restaurant, post office, primary school doctor's surgery and pharmacy). A still wider range of services facilities and employment opportunities within the larger towns of Whalley Clitheroe and Preston including supermarkets, comparison goods shops, banks educational facilities, and Council Offices

9.23 One of the key intentions of the NPPF, as clearly set out at paragraph 47, is to boost significantly the supply of housing land. It has been evidenced that the Council is unable to demonstrate a five year supply of housing land. The proposal would contribute positively to the supply of housing land in Ribble Valley. This is an added and significant factor that weighs in favour of the development.

9.24 Taking account of the advice contained in the NPPF and the PPG, it is submitted that significant weight cannot be afforded to the emerging Core Strategy planning policy. Whilst the Core Strategy is at the examination stage, its soundness has been criticised by the Inspector. This has led the Council to publish proposed main modifications to the Plan, which represent a significant departure from the settlement strategy previously submitted. These modifications have been the subject of considerable objection, including submissions from this practice (Appendix C) which highlight inaccurate evidence used in the Council's categorisation of settlements. The submissions / objections have yet to be

examined. As such, there can be no certainty that the emerging policies will be adopted. Accordingly, the emerging Core Strategy policy can be afforded minimal weight in the decision-making process.

- 9.25 The second reason for refusal, whilst not explicitly referring to 'prematurity', alludes to the proposal being premature in relation to the emerging Core Strategy policies. The reason for refusal states that the proposal, if allowed, would set a harmful precedent for other proposals and lead to an adverse impact upon the implementation of the Council's emerging planning policies. As set out at 6.8 above, the PPG deals with the issue of prematurity. It is clear in stating that arguments that an application is premature are unlikely to justify a refusal except in specific circumstances. These circumstances do not apply in this instance. In particular, the proposal (for one dwelling) is not so substantial (nor its cumulative impact so significant) that to grant planning permission would undermine the plan-making process. The Plan has also to be at an advanced stage. Whilst (as described at 9.24 above) the Core Strategy is at the examination stage, substantial modifications have been made to it. These are the subject of significant objection and they have yet to be examined. Accordingly, the Core Strategy policies referred to in the reason for refusal cannot be regarded as being at an 'advanced stage'. In any event, every planning application should be considered on its own individual merits and 'precedent' does not constitute a proper or defensible basis for refusing planning permission.
- 9.26 Paragraph 55 of the NPPF refers to circumstance where isolated dwellings in the countryside may be permitted. This includes where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The appeal building is unused. There would be an enhancement to the immediate setting through the removal of commercial activity at the site such as commercial vehicles, deliveries and signage.
- 9.27 The locational requirements of Local Plan Policy H15 and Core Strategy Policy DMH4 are that the buildings is not isolated in the landscape but is within a defined settlement or forms part of an already defined group of buildings and that there is no unnecessary expenditure involved by public authorities and utilities on the

provision of infrastructure. The buildings is within an already defined group of buildings at Woodfield Farm including the site, Woodfield Garage the dwelling Stathaven and the agricultural building to the north of the site. The building already has existing utilities and public authorities already services the two dwellings within the group. No works of conversion are required and so all the other requirements concerning physical conversion works listed in Local Plan Policies H16 and H17 together with those in Core Strategy Policy DMH4 are satisfied. The loss of an employment site and the effect on the rural economy is discussed later.

The Visual Amenity Implications of the Development

- 9.28 Local Plan Policy G1 and Core Strategy Policy DMG1 express design criteria for new development in only very generalised terms, with no other specific design guidance made available by the Council. No physical alterations are proposed by the development. The appeal site is not within a Conservation Area, nor near to one, nor are there any other policy or other designations that signal the local area to be of any special architectural or townscape value.
- 9.29 Local Plan Policy ENV1 Area of Outstanding Natural Beauty and Core Strategy Policy DME2 Landscape Protection are cited in the third reason for refusal which states that site is in an “unsustainable location” leading to “further sporadic ribbon development” and would be “highly dependent on the use of the motor car”. Neither of these policies have any relevance to the reason given. The site is not in the AONB nor near to it. No physical alteration is involved and therefore the development has no impact on the landscape of features within it. No new buildings are proposed development therefore the development cannot be said to create further ribbon development. Rather than harm to visual amenity the proposed development if anything is likely to improve visual amenity by returning the building to its original use as dwelling and removing the commercial activity from the site an associated paraphernalia such as commercial vehicles and signage.
- 9.30 The Delegate Item File Report which expands on the reasons for refusal does not explain why the proposal is considered to be ribbon development or how the development is in conflict with Core Strategy Policy DME2. See appendix E Having

regard to the above, there is no robust basis upon which to suggest that the appeal proposal would create sporadic ribbon development.

Effect on the Rural Economy

- 9.31 The planning permission granted in 2006 and the accompanying section 106 placed severe restrictions on the commercial use of the appeal building. The business premises are linked to a very large house which would be expensive to run (high council tax, high heating costs for example). The appellant has offered the buildings for sale but no buyer has come forward. The Estate Agent has provided a letter as a summarised marketing report. The Estate Agent comments that in their opinion the property is of interest to a niche market because of its size see appendix F. In effect there are saying that there are not likely to be many potential customers for large houses with associated office space. We suggest that those running a small business from a small business premises which this is (only the first floor has permission to be used for office accommodation) are likely to be at a stage of business development where they are putting money into their business so would chose to live in a small or modest sized house. The large house which is linked to this business premises would be inappropriate to their needs.
- 9.32 In addition the planning permission and section 106 agreement have made this an extremely restricted business opportunity. The office accommodation can only be used by the *“occupants of proposed new dwelling and two employees and will not function to openly attract retail or commercial callers to the premises”* section 106 agreement. The loss of this very restricted business opportunity will have an insignificant impact on the rural economy.
- 9.33 Clearly in applying condition 3 and 4 to the permission 3/2006/034 the Council considered that an unfettered office use in the appeal building would not be acceptable. The reason given for the condition 3 was *“In order to comply with Policy G1 of the Ribble Valley Districtwide local Plan as division of the site into separately occupied unlimited business unit could prove injurious to highway safety.”* It is reasonable therefore to assume that alternative employment generating uses of the site are unlikely to receive planning permission. The proposal meets the requirements of Policy H15 and Core Strategy policy DMH4.

Other Miscellaneous Planning Considerations

- 9.34 The Council's Environmental Health Officer has no objections to the proposal. However, he suggested that various 'contaminated land' conditions be imposed on any planning permission, in particular requiring the submission of a desk top study. This can be secured by condition if planning permission is granted.
- 9.35 The Lancashire County Council Highway Engineer comments that the proposal is considered to be a betterment and that the proposal will have no significant effect on the adjacent highway network.

10. CONCLUSION

- 10.1 It has been demonstrated that the appeal proposal would:
- re-use a redundant building in compliance with paragraph 55 of the NPPF;
 - be acceptable, in principle, as it accords with the provisions of the Development Plan – the adopted Local Plan Policy G5;
 - be acceptable, in principle, as it accords with the provisions of the submitted (2012) and the proposed main modifications (2013) of the emerging Core Strategy Policy DS1;
 - be in tension with the provisions of the proposed main modifications (2014) of the emerging Core Strategy Policy DS1. However, no significant weight can be accorded to the policy as it has been the subject of considerable objection and has yet to be subject to independent examination. As such, this aspect of the Plan cannot be regarded as 'well advanced' and there can be no certainty that the policy would be found sound or subsequently adopted;
 - contribute positively to the supply of housing land in the Borough, for which there is an evident under-supply. It has been shown that the Council cannot evidence a five years' supply of housing land. As such, this is an added and significant factor that weighs in favour of the proposal;
 - constitutes a sustainable form of development having regard to the provisions of the NPPF. In particular, the site is well-located for public transport services providing links to a wide range of services and facilities;

- result in economic, social and environmental benefits as promoted by the NPPF;
- not be prejudicial to the emerging Core Strategy as the proposal is small-scale and would not undermine the plan-making process;
- not significantly harm the rural economy because the existing planning permission for the office use is very restricted which makes it unattractive to businesses;
- not set a precedent for other planning decisions, as other proposals should properly be considered on their own merits.

10.2 For the reasons set out in this Statement it is submitted that the appeal proposal constitutes sustainable development and there are no adverse impacts which would outweigh the benefits of the development. For these reasons, the Inspector is respectfully invited to allow the appeal and to grant planning permission for this development proposal.

11. APPENDICES

Appendix A: List of all plans, drawings and documents submitted in support of the planning application;

Appendix B: Housing Land Supply Report to Ribble Valley Borough Council Planning and Development Committee 18 September 2014;

Appendix C: Representations made by Janet Dixon Town Planners Ltd in relation to the proposed main modifications to the Core Strategy 2014;

Appendix D Bus timetable service 280;

Appendix E Delegated Item File Report 3/2013/0442.

Appendix F Estate Agents letter 17th October 2014.