

RIBBLE VALLEY

BRIEF OPENING NOTE

Re: Henthorn Road

1. I can open this case briefly given the recent signing of the Statement of Common Ground relating to the principle of development (2nd May 2019). That document confirms that both parties agree that if you conclude that the appeal proposal is accessible then the proposal accords with the Development Plan and should be approved. However, that is a big “if”.
2. It is the Claimant’s case that access is an issue of fundamental importance in this case.
3. The key relevant policies in the Core Strategy relating to accessibility are DM12 and DMG3. It is not suggested by the Appellant that these policies are not NPPF compliant and therefore out-of-date. The policies, therefore, in our submission, should carry significant weight. The policies, in essence, look to site development in locations which have good access to facilities by non-car modes.
4. It was LCC’s view that the proposal was at the “extreme end” of what might be through of as acceptable walking distances, but they felt that this could be mitigated by a transport contribution to subsidise the No.2 bus for five years. We do not agree that this contribution negates the accessibility concerns. The No.2 stop is in fact a “ghost stop” which fails to provide any shelter or seating. That diminishes its

attraction to potential users. Moreover, the service is of limited value to anybody with a work destination outside of Clitheroe itself. We also are unclear what happens after five years - presumably there is a real risk that the service could cease and then the development would be almost wholly car dependent.

5. It is, of necessity, impliedly the Council's case that save by reference to accessibility the proposal is, in all other respects, acceptable. We do not, therefore, suggest that this is a "clear cut" case for refusal. On the contrary, we acknowledge that the case is finely balanced. In our view, there is currently a five year housing land supply and therefore no pressing need to release the site. However, even if you are against us on that issue we still say that the balance tips against an approval. I do not propose to address the five year housing land supply issue in Opening - subject to the issue of windfall, the areas of disagreement are well defined by reference to specific sites and narrow issues, namely lead-in times and build-out rates. Similarly, I do not intend to address the detail of accessibility to services/facilities - the facts are agreed and the issue of accessibility is therefore one for planning judgment made in the context of relevant guidelines, a site visit and common sense.

D E MANLEY QC

8th May 2019

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