

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/21/3269165
LPA Application Reference:	3/2020/0938
NGR:	SD 373361 438234

**APPEAL BY MR & MRS BALL
AGAINST THE REFUSAL BY
RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT PERMISSION IN PRINCIPLE
FOR THE ERECTION OF THREE DWELLINGS AT
FORMER WASTE TREATMENT WORKS,
WHALLEY ROAD, BARROW, BB7 9AP**

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

1. INTRODUCTION

1.1 This written statement is submitted by Ribble Valley Borough Council in respect of the appeal lodged against the Council's decision to refuse permission in principle for the erection of three dwellings at the former sewage treatment works, Whalley Road, Barrow.

1.2 The planning application was refused under delegated powers on 8 February 2021 for the following reason: -

1. *The proposal is considered contrary to Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.*

2. APPEAL SITE AND SURROUNDING CONTEXT

2.1 The appeal relates to an area of land located to the west of and outside of the settlement boundary of Barrow as defined on the adopted Proposals Map. The site therefore lies within the open countryside. Areas of the site previously accommodated elements of a former wastewater treatment works.

2.2 The northern area of the site currently accommodates a workshop for an established forestry business with areas of the site also being used for plant storage in association with the existing forestry activities. The appeal solely relates to a parcel of land located to the south of the existing forestry business with it being intended that the existing forestry business activities will remain active on site.

3. THE PROPOSED DEVELOPMENT

3.1 The appeal seeks consent for Permission in Principle for up to three residential dwellings. Given the nature of the appeal no other details have been presented.

4. RELEVANT PLANNING POLICY & GUIDANCE

- 4.1 The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 4.2 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.
- 4.3. The technical detail stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.
- 4.4 The planning policy context for the appeal site is set out at a local level by the Ribble Valley Core Strategy (adopted 16th December 2014) and Housing and Economic Development DPD.

National Policy Context

- 4.5 The Council's evidence will consider the appeal proposals against the policy guidance contained in the National Planning Policy Framework (NPPF). Paragraph 2 of the Framework establishes that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.6 Paragraph 59 of the Framework states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety

of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Local Policy Context

- 4.7 The development plan for the Borough comprises the Ribble Valley Core Strategy and the HED DPD. The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies. The evidence will explain why it is considered that the proposals do not comply with those policies identified in the reason for refusal which are set out below.

Ribble Valley Core Strategy

Policy DMG2 (Strategic Considerations)

- 4.8 Policy DMG2 assists the interpretation of the Development Strategy (Key Statement DS1) and underpins the settlement hierarchy for the purposes of delivering sustainable development. The first part of Policy DMG2, referred to as DMG2(1), states development proposals in the Principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.
- 4.9 The second part of Policy DMG2, DMG2 (2), states, 'Within the Tier 2 villages, and outside the defined settlement areas, development must meet at least one of the following considerations:
1. Should be essential to the local economy or social wellbeing of the area.
 2. Should be needed for purposes of forestry or agriculture.
 3. Should be for local needs housing meeting an identified need and would be secured as such.
 4. Development for small-scale tourism or recreation purposes that are appropriate to a rural area.
 5. Small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
 6. The development is compatible with the Enterprise Zone designation.

4.10 In addition to meeting one of the above considerations Policy DMG2 also requires that within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area.

Policy DMH3 (Dwellings in the Open Countryside and AONB)

4.11 The protection of the open countryside and designated landscape areas from sporadic or visually harmful development is seen as a high priority by the Council and is necessary to deliver both sustainable patterns of development and the overarching Core Strategy vision. Policy DMH3 seeks to manage residential development in the open countryside. Residential development in these areas is restricted to: 1) development essential for the purposes of agriculture or residential development which meets an identified local need; 2) the appropriate conversion of buildings to dwellings; and 3) the rebuilding or replacement of existing dwellings.

5. CASE FOR THE LOCAL PLANNING AUTHORITY

5.1 The latest published position in relation to housing land supply is contained in the Council's [Five-Year Supply Statement](#) (Published May 2020) which demonstrates a deliverable 13.9-year housing land supply from the base date of 31st March 2020 against a Local Housing Need Requirement figure of 143 dwellings per year calculated using the 'Standard Method' (as per para. 3. of PPG Guidance 'Housing supply and delivery'). Therefore, the Council is able to comfortably demonstrate a deliverable 5-year supply of housing land. The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.

5.2 Taken from the [Housing Land Availability Schedule \(HLAS\) March 2020](#), housing completion rates in the borough have significantly exceeded the Core Strategy housing requirement figure of 280 dwellings per year since 2014 (see Table 1 below). The Government's objective to significantly boost the supply of homes is being met in the Ribble Valley.

COMPLETIONS	NEW BUILD	CONVERSIONS CHANGE OF USE	TOTAL COMPLETIONS
1 April 2008 – 31 March 2009	58	17	75
1 April 2009 – 31 March 2010	57	32	89
1 April 2010 – 31 March 2011	36	33	69
1 April 2011 – 31 March 2012	116	31	147
1 April 2012 – 31 March 2013	121	51	172
1 April 2013 – 31 March 2014	155	28	183
1 April 2014 – 31 March 2015	316	29	345
1 April 2015 – 31 March 2016	268	32	300
1 April 2016 – 31 March 2017	376	14	390
1 April 2017 – 31 March 2018	371	29	400
1 April 2018 – 31 March 2019	370	42	412
1 April 2019 – 31 March 2020	516	43	559

Table 1: Housing Completions

- 5.3 Having regard firstly to the matters of land use and amount of development, it appears reasonable to suggest that the site could accommodate three dwellings with associated private amenity space and parking.
- 5.4 Detailed plans of the site layout and house types are not provided at this stage of the PiP application process and therefore any impact on adjacent land uses cannot be fully considered. The site is located next to land within the settlement boundary of Barrow allocated for residential development and is also close to the existing forestry business which will generate some noise and disturbance. However, there are no overwhelming concerns at this stage in terms of the compatibility of the proposed use with neighbouring land uses.
- 5.4 Key Statement DS1 sets out the Borough’s housing strategy and provides the overarching vision aimed at achieving a sustainable pattern of development. The majority of new housing development will be concentrated within the strategic site at Standen and the Borough’s principal settlements of Clitheroe, Whalley and Longridge. In addition, development will be focused towards the Tier 1 Villages, which are the more sustainable of the 32 defined settlements. Barrow is identified as a Tier 1 Village by Key Statement DS1. The appeal site lies in an area defined as open countryside, outside of the Barrow settlement boundary.
- 5.5 Policy DMG2 (1) states ‘development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.’ The appeal proposal does not

comply with the above part of Policy DMG2 (1) as the appeal site is not located in the principal settlements of Clitheroe, Longridge and Whalley or a Tier 1 Village.

5.6 The second part of Policy DMG2 therefore applies to the appeal site given its location in the open countryside and outside of defined settlements areas. The provision of three new open market residential dwellings in this location fails to meet any of the considerations listed in Policy DMG2 (2). The development proposal also fails to comply with Policy DMH3 which limits new residential development in the open countryside and AONB to residential development essential for the purposes of agriculture or which meets an identified local need (as defined in the Core Strategy Glossary) none of which apply in this case.

5.7 In support of the Local Planning Authority's case, reference is made to an appeal decision at Land to the south of 5 Chapel Brow, Longridge¹ for the erection of three two-bed dwellings. This appeal site was located on land adjoining but outside of the Longridge settlement boundary and conflict with Core Strategy Policies DMG2 and DMH3 was identified as a reason for refusal of the application.

5.8 In dismissing the appeal the Inspector stated at paragraphs 8 and 9 of the appeal decision:

8. *Policy DMG2 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (CS) restricts residential development outside defined settlement areas to a specified number of exemptions including development essential to the local economy and those meeting an identified local need that are secured for serving that need. Policy DMH3, amongst other things, also restricts housing to that which meets an identified local need.*

9. *The Council's evidence identifies that sufficient land is currently available within the Borough to meet a five-year housing land supply in accordance with its spatial vision. Accordingly, open market housing on the site would conflict with the requirements of the local development plan.*

5.9 The Inspector went on to conclude at paragraph 14 of the appeal decision that, '*the proposed development would conflict with Policies DMG2 and DMH3 of the CS as they seek to secure the Council's strategic approach to housing delivery and suitable locations for residential development.*'

¹ Appeal ref [APP/T2350/W/20/3251360](https://www.applications.bbc.gov.uk/APP/T2350/W/20/3251360)

6. CONCLUSION

6.1 In summary, the proposed development would result in the creation new residential dwellings in the defined open countryside without sufficient justification contrary to policies DMG2 and DMH3 of the Core Strategy. The Local Planning Authority is able to evidence a robust 13.9 year housing land supply and therefore there is no impetus to grant planning consent given the identified conflict with the abovementioned policies.

6.2 Accordingly, the appeal should be dismissed.