

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/19/3221189
LPA Application Reference:	3/2018/0688
NGR:	SD

Appeal by Gladman Developments Ltd

Against the refusal of outline planning permission by

Ribble Valley Borough Council for:

Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road. All matters reserved except for means of access.

Land off Henthorn Road, Clitheroe BB7 2PL (nearest)

STATEMENT OF CASE SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

1. INTRODUCTION

1.1 This Statement of Case is submitted by Ribble Valley Borough Council in respect of the appeal lodged by Gladman Developments Ltd. against the Council's decision to refuse outline planning permission for residential development to construct up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road, Clitheroe. All matters were reserved except for means of access.

1.2 The Council's Planning and Development Committee resolved to refuse the planning application at the meeting on 10th January 2019 for the following reason:

1. *The proposed development would result in an unsustainable form of development within the countryside. Due to the site's location, with a lack of cycling or suitable pedestrian access to the town centre, future residents will be wholly reliant on the car. As such the development is contrary to Key Statements DS2 and DMI2, as well as Policies DMG2 and DMG3, of the Ribble Valley Core Strategy and guidance contained within the National Planning Policy Framework.*

1.3 The Council's evidence will set out that the proposal conflicts with the development plan, does not constitute sustainable development, and cannot be made acceptable by virtue of planning conditions or obligations.

2. APPEAL SITE AND SURROUNDING CONTEXT

2.1 The appeal relates to an agricultural field measuring 5.2 hectares off Henthorn Road in Clitheroe. The site is located outside the settlement boundary of Clitheroe and therefore within the open countryside.

2.2 The boundaries of the appeal site are clearly defined by field hedging and some mature trees with two small ponds located along the north western boundary. Two sets of overhead powerlines currently run through a section of the site and along the eastern side the land levels drop down to a ditch which passes through a small portion of the site. The land adjacent to this ditch is overgrown and contains a number of shrubs/bushes and it would appear that this part of the site is not currently farmed. The remainder of the site is however clear from vegetation, with the exception of the boundary hedging and trees. There is an existing field gate access from Henthorn Road into the application site.

2.3 As detailed above the appeal site is located outside of the settlement boundary of Clitheroe and is by definition identified as open countryside in accordance with the Ribble Valley Core Strategy. To the north east the site is adjoined by residential development and to the south, on the opposite side of the road, is a residential development currently under construction. To the south west the boundary is shared with a detached residential property known as Siddows Hall, located within substantial grounds, and a field. To the north west, is a field and a community park associated with adjoining development and beyond this is the River Ribble. The river and part of this adjoining field are designated as a Biological Heritage Site (BHS), but the BHS does not directly adjoin any part of the application site.

3. THE PROPOSED DEVELOPMENT

3.1 Ribble Valley Borough Council validated the planning application that is the subject of this appeal on 7th August 2018

3.2 Outline planning permission was sought for residential development comprising up to 110 dwellings including reserved matters for access off Henthorn Road. The access would be via the existing field gate, however this access would need to be widened in order to meet the required standard. The submitted access arrangement plan shows that a 5.5m wide road would be provided at the access point/junction with Henthorn Road, with 2m wide footways either side. One of these proposed footways would continue onto Henthorn Road up to the recently formed junction some 120m to the north east. The submitted plan also details how a 100m section of Henthorn Road, between the site access and the above mentioned junction, would be widened to provide a 5.5m carriageway.

3.3 Whilst in outline form the application was accompanied by a “Framework Plan” (ref: 8439-L-0 Rev C) which shows the broad location of where the dwellings would be sited within the site, with a landscape buffer provided along the boundaries. This plan also shows the potential location of an on-site play area, an attenuation pond and a proposed footpath/cycleway that would run around the edges of the site and provide pedestrian access to the neighbouring development and community park to the north. It must be reiterated however that this plan is purely indicative.

3.4 In accordance with the Council's requirements the submitted application stated that 30% would be affordable units and 15% would be housing specifically for over 55's.

3.5 As mentioned earlier the Council's Planning and Development Committee resolved to refuse the planning application at the meeting on 10th January 2019 for the following reason:

The proposed development would result in an unsustainable form of development within the countryside. Due to the site's location, with a lack of cycling or suitable pedestrian access to the town centre, future residents will be wholly reliant on the car. As such the development is contrary to Key Statements DS2 and DMI2, as well as Policies DMG2 and DMG3, of the Ribble Valley Core Strategy and guidance contained within the National Planning Policy Framework.

4. PLANNING HISTORY AND BACKGROUND

4.1 There is no planning history on the site relevant to the appeal.

5. RELEVANT PLANNING POLICY & GUIDANCE

5.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by the Ribble Valley Core Strategy (Adopted 16th December 2014).

5.2 National Policy Context

5.2.1 The Council's evidence will consider the appeal proposals against the policy guidance contained in the National Planning Policy Framework (NPPF), and in particular whether the site represents sustainable development (paragraphs 7 to 14) and the policy guidance given in the NPPF regarding the supply of housing (paragraphs 59 to 76).

5.2.2 The Council will also refer to the National planning policy guidance (PPG) which supplements the above.

5.3 Local Policy Context

Ribble Valley Core Strategy

5.3.1 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies in the adopted Ribble Valley Core Strategy. In particular the evidence will explain why it is considered that the proposals do not comply with those policies identified in the reason for refusal. The Council will also refer to local guidance and other background documents which supplement the above policies.

5.3.2 The following policies within the Core Strategy are considered to be relevant to the proposal (however further detail is provided below in respect of the policies which are considered to be most relevant in the consideration of this appeal):

- **Key Statement DS1** – Development Strategy
- **Key Statement DS2** – Presumption in Favour of Sustainable Development
- **Key Statement EN2** – Landscape
- **Key Statement EN3** – Sustainable Development and Climate Change
- **Key Statement H1** – Housing Provision
- **Key Statement H2** – Housing Balance
- **Key Statement H3** – Affordable Housing
- **Key Statement DMI1** – Planning Obligations
- **Key Statement DMI2** – Transport Considerations

- **Policy DMG1** – General Considerations
- **Policy DMG2** – Strategic Considerations
- **Policy DMH1** – Affordable Housing Criteria
- **Policy DMH3** – Dwellings in the Open Countryside and AONB
- **Policy DMG3** – Transport and Mobility
- **Policy DME2** – Landscape and Townscape Protection
- **Policy DMB4** – Open Space Provision

- **Policy DME3** – Site and Species Protection and Conservation
- **Policy DME6** – Water Management
- **Policy DMB5** – Footpaths and Bridleways

Key Statement DS1 (Development Strategy)

5.3.3 Key Statement DS1 sets out the Borough’s housing strategy. 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. In general the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.

Key Statement DS2 (Sustainable Development)

5.3.4 The presumption in favour of sustainable development is the ‘golden thread’ running through the National Planning Policy Framework. Key Statement DS2 reflects this and emphasises the role of securing sustainable development.

Key Statement DMI2 (Transport Considerations)

5.3.5 Key Statement DMI2 states that new development should be located to minimise the need to travel and should incorporate good access by foot and

cycle and have convenient links to public transport to reduce the need to travel by private car.

Policy DMG2 (Strategic Considerations)

5.3.6 Policy DMG2 assists the interpretation of the Development Strategy (Key Statement DS1) and underpins the settlement hierarchy for the purposes of delivering sustainable development. 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.*

5.3.7 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 DMG3 (Transport and Mobility)

5.3.8 Policy DMG3 states that in the making of decisions the LPA will attach considerable weight to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development. In particular –

- 1. The relationship of the site to the primary route network and the strategic road network;*
- 2. The provision made for access to the development by pedestrian, cyclist and those with reduced mobility;*
- 3. Proposals which promote development within existing developed areas or extensions to them at locations which are highly accessible by means other than the private car;*
- 4. Proposals which locate major generators of travel demand in existing centres which are highly accessible by means other than the private car;*
- 5. Proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their vitality and viability*
- 6. Proposals which locate development of areas which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly;*

7. *Proposals which limit parking provision for developments and other on or off street parking provision to discourage reliance on the car for work and other journeys where there are effective alternatives.*

5.3.9 Policy DMG3 also states that all major proposals should offer opportunities for increased use of, or the improved provision of, bus and rail facilities.

5.3.10 Policy DMG3 recognises that transport considerations are key to the delivery of sustainable development.

Policy DMH3 (Dwellings in the Open Countryside and AONB)

5.3.11 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. The proposed development does not seek to convert buildings to dwellings nor does it seek to rebuild or replace existing dwellings.*

5.4 Other Material Considerations

Strategic Housing Land Availability Assessment (SHLAA)

- 5.4.1 The Authority's Strategic Housing Land Availability Assessment (SHLAA) assesses the amount of land that could be made available for housing. The first SHLAA was adopted in 2009 and an update published in 2013. The Strategic Housing Land Availability Assessment is part of the evidence base for the Core Strategy and is key in assessing the potential for the Council to deliver sufficient housing land over the plan period.

Strategic Housing Market Assessment (SHMA)

- 5.4.2 The Strategic Housing Market Assessment (SHMA) was originally published in December 2008 and examined the local housing market, setting out the level of housing need alongside requirements of particular groups of the population and concluding with an overview of the type of housing required within the Borough. An updated version was published in 2013.

Housing Land Availability Schedule (HLAS)

- 5.4.3 The Authority's latest Housing Land Availability Schedule (HLAS), which monitors the delivery of housing over a five year period, was published in November 2018 with a base date of 30th September 2018. The five year monitoring period is the 1st of October 2018 – 30th September 2023. Three documents were published in total:

- '5 Yr Supply Housing Land Availability Survey (HLAS) which comprises the housing data.
- '5 Yr Supply Statement' which confirms the Annualised Requirement and the Identified Supply
- '5 Yr Supply Evidence of Delivery' which outlines the evidence obtained from developers, land owners and agents to substantiate the Identified Supply

Housing and Economic Development DPD (HED DPD) (Inc. Proposals Map)

- 5.4.4 The emerging Housing and Economic Development, Development Plan Document (HED DPD) forms part of the Local Development Framework (LDF). The HED DPD compliments the policies of the Core Strategy and includes allocations for housing and employment land within the Borough.
- 5.4.5 The HED DPD was formally submitted to the Secretary of State on 28th July 2017, responses to the Inspectors Initial Questions were submitted in December 2017 and the hearing sessions were due to commence in January 2018. Due to the Inspectors ill health the Hearing Sessions were adjourned.
- 5.4.6 On the 27th of July 2018 the Authority ran a 6 week consultation on proposed Main Modifications to the HED DPD in relation to additional housing allocations which closed on Friday the 7th of September and all responses were sent to the Inspector.

5.4.7 The first hearing session of the Independent Examination into the Housing and Economic Development DPD was held on Tuesday the 27th November 2018. The session was then adjourned in order for the Authority to update its Housing Position and invite further comments upon the Housing Land Availability Survey (HLAS) which was published in November 2018. The Authority published a 'Housing Position Statement' on the 5th December 2018 to outline a number of key areas in relation to housing. The hearing sessions resumed on Tuesday the 22nd January 2019 and closed on Wednesday the 23rd January 2019.

5.4.8 The Authority are consulting on the proposed Main Modifications of the HED DPD in relation to proposed housing allocations. The consultation commenced on Friday the 1st March 2019 and closes on Friday the 12th April. All responses to this consultation will be sent to the Inspector and the Authority awaits the Inspectors Final Report.

6. CASE FOR THE LOCAL PLANNING AUTHORITY

6.1 With regard the planning matters the Council will provide the following case in support of the reason for refusal, as well as the matter of housing land supply which has been raised by the appellant in their submission.

6.2 In line with the statutory test in section 38(6) of the Planning and Compulsory Purchase

Act, the appeal must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council asserts that the proposal is contrary to the Development Plan

6.3 The Council will provide witness statements on matters of the sustainability of the appeal site for residential development and housing land supply.

Reason for Refusal (unsustainable location)

6.4 The Council will demonstrate that:

- The appeal site is a greenfield site, situated outside of the defined settlement boundary of Clitheroe, therefore within the open countryside, resulting in development which would be contrary to the Development Plan for Ribble Valley;
- Ribble Valley has a five year housing supply plus with a 5% buffer. The publication of the Housing Delivery Test (HDT) results on the 19th February 2019 reaffirms this position as the Authority has met the test of delivery over the last 3 years;
- The appeal proposal fails to provide safe and suitable pedestrian/ cycle links/ connectivity to integrate it with the wider area to ensure sustainable development;
- The appellant's proposed mitigation measures (including funding towards bus service provision for a limited period and the installation of a footway on

Henthorn Road) do not amount to sufficient mitigation that outweighs the harm arising from the development, by reason of the unsustainable location.

6.5 The Council also considers that:

- There are no other material considerations that outweigh the departure from the Development Plan

Sustainable Development

6.6 The NPPF at paragraph 11 states that at the heart of it is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.7 The proposal does not accord with the development plan under the first bullet point.

6.8 In respect of the second bullet point the Council can demonstrate a five-year supply of deliverable housing. In accordance with paragraph 73 of the NPPF the Council have identified in excess of 5 years supply of housing with the appropriate buffer of 5%. There is no record of significant under delivery in the Borough and, therefore, there is no need to increase this buffer to 20%.

7. CONCLUSION

7.1 The Local Planning Authority considers that, even if the necessary contributions and other matters are secured via a completed planning obligation, any benefits that would arise from allowing the appeal would not outweigh the conflict with the National Planning Policy Framework and Ribble Valley Core Strategy policies, and that the conflict with the development plan is such that it will not be outweighed by other material considerations. Thus the appeal proposal does not amount to sustainable development.

7.2 Therefore, the inspector is respectfully requested to dismiss the appeal.

7.3 If the Inspector is minded to allow the appeal the Council asks that consideration is given to attaching conditions listed at appendix 1 of this statement

LIST OF DOCUMENTS TO BE REFERRED TO:

Document 1 National Planning Policy Framework

Document 2 Adopted Core Strategy 2014

Document 3 Strategic Housing Land Availability Assessment (SHLAA)

Document 4 Strategic Housing Market Assessment (SHMA)

Document 5 Housing Land Availability Schedule (HLAS)

Document 6 Addressing Housing Need in Ribble Valley 2012

Document 7 Housing and Economic Development DPD (HED DPD) (Inc. Proposals Map)

Document 8 Housing Delivery Test: 2018 Measurement