



Appeal Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/T2350/W/20/3253310

Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe

Easting: 375365 Northing: 443101

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Wilkinson (Oakmere Homes (NW) Ltd) against Ribble Valley Borough Council.
 - The application Ref 3/2019/0877, is dated 18 September 2019.
 - The development proposed is erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 39 dwellings with landscaping and associated works, and access from adjacent development site at Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe in accordance with the terms of the application, Ref 3/2019/0877, dated 18 September 2019, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. This appeal is against the Council's failure to determine the application for planning permission within the prescribed period. The Council have subsequently resolved, had they determined the application, that they would have refused planning permission for the proposal. A single putative reason for refusal has been set out which, for the avoidance of duplication, is set out in full at paragraph 1.2 of the Council's Statement of Case. I have framed the main issue below accordingly.
3. The appellant has submitted a signed and dated Unilateral Undertaking (UU) prepared under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU sets out the appellant's undertaking in relation to affordable housing provision, accommodation for over-55's and the procedures for occupancy eligibility and nomination procedures. It also sets out provisions and amounts for off-site leisure, primary and secondary education and NHS contributions, albeit that the Council have subsequently confirmed that they no longer wish to pursue the matter of NHS contributions. I return to these matters below.

Application for costs

4. An application for costs was made by Oakmere Homes (NW) Ltd against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposed development would be in a suitable location for residential development, having regard to local and national planning policies.

Reasons

6. The Council's overarching development strategy is set out at Key Statement DS1 of the Core Strategy (CS), stating that the majority of the borough's new housing will be concentrated within, amongst other areas, the principal settlements, of which Clitheroe is one. Beyond the principal settlements, other settlements are identified as tier 1 and tier 2 villages and settlements, with open countryside lying outwith those designations. The Council's '*Housing and Economic Development – Development Plan Document*' (HED DPD) goes on to set out specific housing allocations.
7. Both parties refer, with reference to other appeals within the borough¹², to CS policy DMG2 as having a part 1 and (an unnumbered) part 2 (with 6 criteria). I have already dealt with part 1, whilst part 2 deals with development within tier 2 villages and outside the defined settlement areas. Thus, in these areas development proposals must meet one of the 6 criteria set out by policy DMG2. CS policy DMH3 also considers dwellings in the open countryside, which it is agreed is land beyond the defined settlement areas, where residential development must meet certain criteria. Both identify local needs housing to meet an identified need as one of the factors which will attract policy support.
8. Whether or not the second part of CS policy DMG2 should apply in addition to the first part in this instance, the provisions of CS policy DMH3 applies in all cases in the open countryside. It is agreed that the appeal site lies beyond Clitheroe's defined settlement boundary and thus, also by definition, is within the open countryside. CS policy DMH3 therefore applies, regardless of whether the second part of policy DMG2 is engaged in addition to the first part of that policy.
9. There is no dispute that the appeal site lies beyond the settlement boundary for Clitheroe. That settlement boundary does, however, mark the site's southwestern boundary where it abuts both it and a residential development site currently under construction. The settlement boundary, which is located on the opposite side of Chatburn Road and within which lies a recent residential and Clitheroe Community hospital, also runs parallel to the appeal site's Chatburn Road boundary.
10. There are areas of designated existing open space along Chatburn Road on both sides of the road, but they are relatively limited and seen in the context of otherwise continuous residential development along Chatburn Road between the town centre to the southwest and Pimlico Link Road to the north. The

¹ APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816

² APP/T2350/W/20/3248156; APP/T2350/W/17/3186969; APP/T2350/W/17/3174924; APP/T2350/W/17/3185445; APP/T2350/W/19/3235162 and APP/T2350/W/18/3202044

appeal site itself is bounded on one side by, and indeed would be accessed from, a newly built residential development and lies opposite existing development and newly built housing on another.

11. Although located beyond Clitheroe's settlement boundary, the appeal site is well related to it in terms of built form, and its physical and visual relationships. The appeal site is therefore seen very much as a part of Clitheroe and the pattern of development along Chatburn Road. CS policy DMG2 seeks to support the CS's development strategy as set out in Key Statement DS1. To this end, it states that development proposals in principal settlements such as Clitheroe should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring that it is appropriate to the scale of, and in keeping with, the existing settlement.
12. In understanding these terms, I concur with the appellant's assessment that it is also necessary to be mindful of the CS's glossary definitions and interpretation of these terms. The site is clearly not within the defined settlement boundary for Clitheroe. However, having regard to the nature and context of the land immediately around it, particularly the adjacent and adjoining residential development and prevailing pattern of development and built form along Chatburn Road, it is not unreasonable to conclude that the proposed residential development of the appeal site would consolidate development in a manner closely related to the main built up area of Clitheroe.
13. The CS Glossary definition of consolidation refers to new developments adjoining the main built up area of a settlement. The proposal would do this. The Glossary does not distinguish between consolidation within or beyond a settlement, just that it adjoins the main built up area. The prevailing pattern of development along Chatburn Road is not one of isolated or sporadic development, even if the glossary definition also includes these, where appropriate, within the definition of consolidation.
14. Rather, development is largely continuous, with depth of development from the Chatburn Road frontage, on both sides of the road along its length from the town centre to the appeal site. I accept that the housing with which the appeal site is contiguous was, at the time of my visit to the site, under construction and the site adjoining that is an allocation in the HED DPD. However, this does not alter my assessment that the appeal site can be sufficiently seen as a consolidation in the terms set out in CS policy DMG2 and the CS Glossary, confers support from the first part of CS policy DMG2.
15. The proposal would provide affordable housing in a mix of sizes and tenures, to which there is no objection from the Council as there is a borough-wide need for affordable housing. This is not, however, the same as housing to meet an identified local need and no case is otherwise made that the proposal would provide local needs housing in the manner sought by CS policy DMH3. Although the borough-wide need for affordable housing is noted by the Council, the presence within the development of balance of the housing as market housing is considered sufficient to outweigh the undoubted benefits of affordable housing. I agree that the proposal would fail to accord with CS policy DMH3 as a consequence in resulting in residential development beyond a defined settlement boundary, and thus in the open countryside, without an identified local need justification.

16. There is no dispute between the parties that the relevant policies in the determination of this application are up to date and can be afforded full weight. Thus, both the proposal's failure to provide housing to meet a local need on the one hand, and it being a form of consolidation on the other, are central to the planning balance to be exercised in this instance. The Council refer to a number of appeal cases² which support their contention that both parts of CS policy DMG2 are engaged. However, these largely pre-date the more recent examples¹ cited by the appellant which demonstrates the Council's alternative approach. However, as CS policy DMH3 provides a back-stop to the Council's position regarding criteria against which proposals in the open countryside be judged, the application (or not) of the second part of CS policy DMG2 is not crucial in this instance. However, the absence of evidence to demonstrate that the proposal would specifically meet an identified local need means that the proposal is contrary to CS policy DMH3, albeit that the proposal would also satisfy the general principle of consolidation established by CS policy DMG2, and therefore be an appropriate location in principle for residential development.

Other Matters

17. There are no objections to the proposal from the Council in terms of the site's layout and relationship with existing housing, or in terms of its internal layout and the relationship of proposed houses to each other. I have not been presented with any further evidence that would lead me to a different conclusion with regard to living conditions of occupiers of existing properties, or those of future occupiers of the proposed dwellings and do not therefore disagree with the conclusion reached by the Council.
18. Nor are matters of design, siting or character and appearance areas of dispute between the main parties. The site is constrained visually, physically and contextually by natural and man-made features and barriers and as such the development of the appeal site would not be out of keeping with the context, built form and development pattern of the immediately surrounding area. Nor would it cause harm to the character or appearance of the site's wider surroundings and thus concur with the Council's assessment that there would be no harm to character or appearance as a consequence. Subject to appropriately worded conditions I am satisfied that the proposed development would make adequate provision for, and avoid harm in terms of, highway and pedestrian safety, and landscape and ecological provision.
19. The signed, dated and completed UU makes provision for a range of matters including affordable housing provision, accommodation for over-55's and the procedures for occupancy eligibility and nomination procedures, in addition to provisions and amounts for off-site leisure, primary and secondary education and NHS contributions. The tests in relation to the use of planning obligations and UUs are set out at paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended) (the Regulations) which should meet all of the tests set out therein.
20. The Council have confirmed that they do not wish to pursue the NHS contribution element of the UU, whilst in respect of the education contribution (primary and secondary), Lancashire County Council³ have revised down their calculation of the education contribution from that previously advised at the

³ Local Education Authority

application stage. The UU meets⁴ the required education contribution and UU's provisions are in line with the requirements and provisions previously set out by the Council in the officer report and consultation responses. The provisions of the UU would be in accordance with the provisions of CS Key Statement DMI1 and I find no conflict with the Framework or the Regulations in this respect. I have therefore taken the UU, with the exception of its provisions regarding NHS contributions and the excess balance of the education contribution, into account in reaching my decision and I am satisfied that the UU's construction provides sufficient flexibility for such an approach.

Planning balance

21. The proposed development would be located outwith the defined settlement boundary for Clitheroe and thus within the open countryside, as defined by the CS. There is no evidence before me to demonstrate that the proposal would meet an identified local need and the proposal would be contrary to CS policy DMH3. However, the proposal would amount to a form of consolidation provided for and supported by the first part of CS policy DMG2(1). The site is thus well-related to the main built up area and built form of Clitheroe, directly adjoining and adjacent to new and recent residential development where built residential form is more or less continuous from the appeal site to the town centre.
22. Although a reasonable length walk from the town centre's services and facilities, I am satisfied that the broadly level, continuous and well-lit pavements and footways along the wide Chatburn Road corridor would provide a usable and practical alternative to the private car in accessing facilities. I am satisfied that future occupiers would therefore have a choice of means of transport available to them to access those services and facilities, including by bicycle and on foot.
23. The proposal would provide a not insignificant boost to housing supply. The Council's 5+ year housing land supply position is not challenged by the appellant, whilst the Council also consider that they have 'sufficient consents' for residential development. However, a 5-year housing land supply is not a ceiling or a maxima, particularly so in light of the Framework's commitment to significantly boost the supply of homes. That the proposal would boost the supply of homes in a logical location well-related to existing, on-going and recently built residential development in an accessible and sustainable location directly adjacent to the defined settlement boundary in a manner that would consolidate development in a manner provided for by CS policy DMG2(1) weighs significantly and positively in support of the proposal. Moreover, within a borough-wide context where there is a need for affordable housing, whilst the proposal does not satisfy the development plan definition of local needs housing, the delivery of 12 affordable homes would nevertheless go some way to meeting a locally identified need for such affordable homes.
24. There is no suggestion that Clitheroe is otherwise unable to accommodate the 39 dwellings proposed in this instance. Whilst there is no evidence to support the provision of local needs housing as a justification for the proposal, it would contribute towards meeting a borough-wide affordable housing need and would boost the supply of homes within the borough. I give the provisions of both CS policy DMG2 and DMH3 full weight but, having considered the positive aspects

⁴ And exceeds

of the proposal and other benefits arising from it in the planning balance I conclude that the proposal's open countryside location and absence of an identified local need in this instance is outweighed by other material considerations as outlined above.

25. In reaching these conclusions, I am mindful of a number of appeal decisions which have been cited by both parties in seeking to support their respective positions. However, from the commentary provided by both parties in respect of the limited information regarding those proposals, it is clear to me that they do not provide directly comparable circumstances and context to the proposal before me. Moreover, not only do the cases referred to me by the Council in support of the Council's revised position largely pre-date those cited by the appellant, they also demonstrate that other factors come into play, in particularly the relationship of the site to the defined settlement and main built up area, the form and character of the proposal and the character and appearance of the surrounding area. For all of these reasons, I conclude that other development plan policies and material considerations warrant allowing the appeal contrary to the provisions of CS policy DMH3.

Conditions

26. I have considered the Council's list of suggested conditions in light of the Framework and Planning Practice Guidance and, where necessary in the interests of precision and accuracy, have made minor alterations and revisions. I am satisfied that in doing so neither party would be disadvantaged. Where specific condition numbers are referred to these relate to the Council's numbering of suggested conditions.
27. I agree that time limit and plans conditions are necessary and reasonable in order to provide certainty. In addition to the plans condition, further conditions regarding implementation and maintenance of the landscaping proposals, and tree protection during the construction phase are also reasonable and necessary in the interests of character and appearance and the satisfactory appearance of the development upon completion.
28. In order to ensure the satisfactory connection of the hereby approved development into the existing local highway network, conditions regarding details the estate road and cycle link and carriageways are necessary in the interests of highway and pedestrian safety. A condition regarding suitable provision for electric vehicle charging at all properties is reasonable and in the interests of encouraging alternative means of travel, and alternative means of powering vehicles.
29. Additionally, I agree that a Construction Method Statement be imposed to ensure appropriate management of the construction site in the interests of highway and pedestrian safety and the living conditions of occupiers of properties located along the access to the site. To this end, I see no reason why the provisions of suggested condition 12 cannot be included within an expanded condition 5 and I have therefore amended condition 5 and deleted condition 12 accordingly. I have also omitted suggested condition 8 as it has not been demonstrated that it would pass the test of necessity.
30. Finally, there are two conditions regarding surface water drainage measures which in part both duplicate and contradict each other. There is no need for

both conditions, and I accept the appellant's reasoning for the deletion of suggested condition 13.

Conclusion

31. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - 067-SL-01 Location plan
 - 19-B295 Topographical survey
 - 067-P-01 Proposed housing layout
 - 067-P-05 Proposed affordable housing layout
 - 067-P-06 Proposed housing layout with levels
 - c-981-30_A Proposed landscaping scheme (1 of 2)
 - c-981-31_A Proposed landscaping scheme (2 of 2)
 - 067-BOW-P01 Bowfell house type floor plans
 - 067-BOW-P02 Bowfell house type elevations
 - 067-BOW-SPL-P01 Bowfell (split level) house type floor plans
 - 067-BOW-SPL-P02 Bowfell (split level) house type elevations
 - 067-CAL-P01 Caldew and Rothay (linked) house type floor plans
 - 067-CAL-P02 Caldew and Rothay (linked) house type elevations
 - 067-ENN-AG-P01 Ennerdale (attached garage) house type floor plans
 - 067-ENN-AG-P02 Ennerdale (attached garage) house type elevations
 - 067-GRA-P01 Grasmere house type floor plans
 - 067-GRA-P02 Grasmere house type elevations
 - 067-GRIZ-P01 Grizedale (bungalow) house type floor plans
 - 067-GRIZ-P02 Grizedale (bungalow) house type elevations
 - 067-HON-P01 Honister house type floor plans
 - 067-HON-P02 Honister house type elevations
 - 067-KIRK-P01 Kirkstone house type floor plans
 - 067-KIRK-P02 Kirkstone house type elevations
 - 067-LOW-P01 Lowther house type floor plans
 - 067-LOW-P02 Lowther house type elevations
 - 067-ROTH-P01 Rothay house type floor plans
 - 067-ROTH-P02 Rothay house type elevations
 - 067-THIRL-P01 Thirlmere house type floor plans
 - 067-THIRL-P02 Thirlmere house type elevations
 - 067-THIRL-SPL-P01 Thirlmere (split level) house type floor plans
 - 067-THIRL-SPL-P02 Thirlmere (split level) house type elevations
 - 067-WAS-SPL-P01 Wasdale (split level) house type floor plans
 - 067-WAS-SPL-P02 Wasdale (split level) house type elevations
 - 067-P-04 Proposed street scenes and sections
 - 067-P-03 Proposed external materials layout
 - 067-P-02 Proposed fencing layout
 - SD-FT-02 Proposed timber plot divide fencing details
 - SD-FT-08 Proposed timber feather-edge fencing details
 - SD-SW-03 Proposed stone wall with timber infill panel details
 - 19619-100_0 General arrangement (highways)
 - 19619-101_0 Contour layout (highways)
 - 19619-720_0 Long sections (highways)
 - 19619-730_0 Standard details (highways)

- 19619-500_0 Drainage layout
- 19619-510_0 Drainage long sections
- 19619-530_0 Drainage details

- 3) The landscaping proposals hereby approved shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

- 4) During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted information shall provide precise details of:

- A. The siting and location of parking for vehicles of site operatives and visitors;
- B. The siting and location for the loading and unloading of plant and materials;
- C. The siting and locations of all site cabins;
- D. The siting and location of storage of plant and materials used in constructing the development;
- E. The management of surface water and pollution prevention measures during each construction phase;
- F. The siting and locations of security hoarding;
- G. The siting location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development);
- H. The timings/frequencies of mechanical sweeping of the adjacent roads/highway;
- I. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
- J. The highway routes of plant and material deliveries to and from the site;
- K. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
- L. Days and hours of operation for all construction works; and
- M. Contact details for the site manager(s).

The approved statement shall be adhered to throughout the construction period of the development hereby approved.

- 6) No residential unit hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed

carriageways, footways, footpaths, landscaped areas and bin storage areas not put forward for adoption within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first residential unit on the site, the areas shall be maintained in accordance with the approved management and maintenance details.

- 7) The new estate road and shared pedestrian / cycle link between the site and Chatburn Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- 8) All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.
- 9) The existing gated field access opposite the hospital access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to any development commencing on site.
- 10) No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - A. A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
 - B. A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1-in-1 year, 1-in-30 year and 1-in-100 year return period; plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the development does not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity;
 - C. A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
 - D. Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space;
 - E. A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
 - F. Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
 - G. Final details of how the surface water drainage network will be managed and maintained over the lifetime of the development.

The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

****end of schedule****



Costs Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Costs application in relation to Appeal Ref: APP/T2350/W/20/3253310 land at Chatburn Road and Pimlico Link Road, Clitheroe

Easting: 375365 Northing: 443101

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Oakmere Homes (NW) Ltd for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
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Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Applications for an award of costs may be made on procedural or substantive grounds. The Guidance is clear in setting out the circumstances in which a Council could be vulnerable to an award of costs against it. This application for an award of costs is made on substantive grounds.
4. The Guidance cites examples of substantive grounds on which a Council could be vulnerable to costs against it. These include if a Council prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, failed to produce evidence to substantiate each reason for refusal on appeal and not determining similar cases in a consistent manner.
5. The Council's approach to Core Strategy (CS) policy DMG2 in the current instance is clearly at odds with that previously conceded and agreed by the Council in respect of this policy in two recent appeals¹. It was not unreasonable for the appellant to expect that the Council should approach the current appeal proposal in the manner that they had agreed to in these appeals, particularly given their relative and respective timings. The examples

¹ APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816

subsequently cited by the Council² largely, but not completely, pre-date those two appeals and so do not provide compelling justification for adopting a different approach in the current instance

6. Where one of the cited appeal decisions postdates the approach adopted by the Council at Henthorn Road and Chatburn Old Road and adopts a revised position, it is also clear to me that there are other differentiating factors between the two. As such and from the evidence, I have concluded that it does not provide a directly comparable set of circumstances and should not therefore be relied upon to justify an alternative stance to that previously adopted by the Council on more than one occasion.
7. However, the Council were not incorrect in considering the proposal as development in an open countryside location. CS policy DMH3 applies similar provisions as CS policy DMG2 in respect of meeting locally identified housing need and so this matter would always need to be considered, even if the Council's approach to CS policy DMG2 itself contradicts the approach they had previously agreed to and adopted at appeal elsewhere within the borough.
8. Setting aside the provisions of CS policy DMG2, I am satisfied that the Council did not act unreasonably in reaching the conclusion that they did in respect of CS policy DMH3. However, my conclusions on the planning merits of the proposal as set out elsewhere differ from those reached by the Council. I conclude that, on the planning balance, material considerations including the provision of affordable housing and the site's close physical, visual and contextual relationship with the main built area of Clitheroe outweigh the absence of an identified local need to justify housing in the open countryside, as required by CS policy DMH3. My reading of CS policy DMG2 provides further support to my conclusions in these respects.
9. The Council have drawn on other appeal decisions which both pre- and post-date the examples referred to by the appellant, but neither do so on the evidence in sufficiently and comparably direct terms to justify a significant departure from the previously accepted approach to this particular CS policy. Furthermore, the example that post-dates those cases was only introduced at a late state in the appeal process and was not therefore capable of being cited as part of the appeal proposal's initial assessment by the Council.
10. Thus, although I disagree with the Council on the planning balance, the Council's approach to CS policy DMG2 has been contradictory, for which insufficient evidence has been submitted to justify that approach. As such, the Council has provided insufficient evidence to explain why similar cases have not been determined in a consistent manner. This amounts to unreasonable behaviour which has resulted in the appellant incurring unnecessary expense in the preparation of a case regarding CS policy DMG2. The award of costs therefore is a partial one in the terms set out.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay to Oakmere Homes (NW) Ltd the costs

² APP/T2350/W/20/3248156; APP/T2350/W/17/3186969; APP/T2350/W/17/3174924; APP/T2350/W/17/3185445; APP/T2350/W/19/3235162 and APP/T2350/W/18/3202044

of the appeal proceedings described in the heading of this decision, limited to those costs incurred in making the appeal in respect of that element of the Council's refusal reason that relates to Core Strategy policy DMG2; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to Ribble Valley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graeme Robbie

INSPECTOR



Appeal Decision

Hearing Held on 15 and 16 September 2020

Site visits made on 9 and 22 September 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/T2350/W/20/3247676

Land SW of Clitheroe Golf Club, Whalley Road, Barrow, Whalley BB7 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Knowles (Westbridge Developments Ltd) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0510, dated 10 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the erection of 14 no. over 55s bungalows and 10 no. affordable bungalows, associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was refused the Council has adopted the Housing and Economic Development: Development Plan Document, on 15 October 2019. I have considered the appeal accordingly. Its adoption is acknowledged in the agreed Statement of Common Ground and it is referred to in the submissions from the main parties and was discussed at the hearing. I am therefore satisfied that all parties have had the opportunity to comment.
3. A Unilateral Undertaking (UU) was submitted in support of the appeal and discussed at the hearing. Amongst other things the UU makes provision for the delivery and retention of affordable housing, older people's housing and affordable housing for older people as part of the scheme. On that basis the Council has withdrawn its fourth reason for refusal relating to the provision of affordable housing for older people. I return to this matter later in my decision.
4. I have allowed written submissions from the main parties on legal submissions made by the appellant during the hearing and on a recent appeal decision¹ provided by the Council which was issued after the hearing had closed. I am therefore satisfied that there would be no prejudice arising from my having taken those further submissions into account.

Main Issues

5. The main issues are:

¹ Appeal ref: APP/T2350/W/20/3248156

- whether the proposed development would accord with policies relating to the control of development in the countryside; and
- the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

Development in the countryside

6. The main parties agree that the appeal site is outside the settlement boundary for Barrow and thus is in the open countryside for the purposes of this appeal.

Relevant policy

7. Policy DMG2 of the Core Strategy 2008-2028: A Local Plan for Ribble Valley, (the Core Strategy) states that outside defined settlement areas development must meet one or more specified criteria. Those include that it would be for local needs housing which meets an identified need. Core Strategy Policy DMH3 also states that in the open countryside residential development will be limited, amongst other things, to that which meets an identified local need.
8. The development would comprise 14 market bungalows for residents aged 55 and over. It would also include ten affordable bungalows, two of which would be for residents aged 55 and over. Occupancy of the various units would be restricted via the UU. The appellant submits that the 14 market bungalows for residents aged 55 and over constitute local needs housing that would justify the development with reference to Core Strategy Policies DMG2 and DMH3.
9. The Core Strategy glossary defines local needs housing as 'the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment (SHMA)'.
10. The Housing Needs Surveys and Housing Waiting List relate to affordable rather than market housing. The 2008 SHMA and the updated 2013 SHMA identify the borough's older population profile compared to the national average and that long-term projections indicate likely notable growth in the proportion of older people in the district. The 2008 SHMA also refers to a lack of bungalows in the borough at that time. The SHMAs do not set specific targets for the delivery of market housing for older people. However, they acknowledge the likely implications of those existing and projected figures for the borough's housing market and the likely need for housing for older person households.
11. The Planning Practice Guidance states that plan-making authorities should set clear policies to address the housing needs of groups with particular needs, including older people². Core Strategy Key Statement H3 and Policy DMH1 set out that providing housing for older people is a priority for the Council. They state that, in developments of 10 units or more, 15% of units will be sought for older people, 50% of which will be market housing for older people. The Council's housing strategy, articulated via its development plan, thus includes

² Paragraph Reference ID: 63-006-20190626

specific requirements for the delivery of housing for older people including market housing as well as affordable provision.

The appellant's Local Housing Needs Assessments

12. The appellant has submitted two Local Housing Needs Assessments (LHNAs) dated March 2019 (the 2019 LHNA) and 25 March 2020 (the 2020 LHNA). The LHNAs specifically consider housing for those aged 55 and over in the appeal site parish and adjoining parishes. As such, they relate to a type of housing that sits within the wider context of older people's housing needs identified in the SHMAs. The LHNAs are material considerations pertinent to my decision.
13. The LHNAs identify that the appeal site parish and adjoining parishes have proportions of residents aged 60-74 and 75+ which are above the England average. They also identify that those two age categories are the only ones predicted to increase as a proportion of the borough's population over the subsequent 25 years. Those findings echo those of the SHMAs in identifying the likely importance of older people to the local housing market over the coming years.
14. However, since the SHMAs were carried out, the Council has adopted development plan policies that seek to deliver housing for older people, including market housing. In that context, any apparent requirement for such housing which may be identified would only represent a local housing need to justify development in the open countryside if there was compelling evidence that it would not otherwise be met through the Council's development plan strategy, including those policies.
15. Anecdotal evidence from local estate agents refers to demand for bungalows in the area. The likely reasons for that stated demand are not investigated in significant detail, although some reference is made to older people wishing to downsize. At the hearing a local Councillor also referred to constituents looking to move from larger to smaller homes to meet their future needs. However, that evidence does not indicate that bungalows would be the only means of meeting that requirement for 'downsized' accommodation.
16. Furthermore, the bungalows proposed in this case are substantial properties with 3 or 4 en-suite bedrooms, two large reception rooms and, in the main, generously-sized gardens. They may provide for people wishing to move to accommodation on a single level. However, given their size, I am not convinced that they are necessarily indicative of dwellings for all occupants wishing to downsize or that they would meet the specific demand referred to in that regard in any event. Therefore, the weight I afford that anecdotal evidence as justification for the current proposal is limited.
17. Both LHNAs included a household survey requesting responses from those aged 50 or over. The 2019 LHNA survey was sent to 52% of households in the relevant parishes and received 52 responses. The appellant suggests that, had it been sent to 100% of households, 100 responses would have been received and that it is appropriate to extrapolate accordingly. However, I am not satisfied that the low response rate was sufficient to allow wider conclusions to be reliably drawn. Furthermore, that assumption was not borne out by the subsequent 2020 LHNA survey, which was sent to 100% of households in the relevant parishes but received only 48 responses from people in the relevant age groups. Therefore, I have interpreted the figures in the surveys based on

the absolute number of respondents and have not made wider assumptions or inferences based on them.

18. Both household surveys included the question: 'would you consider buying/do you need to buy a new home suitable for those aged over 55 in [the relevant parishes]'. However, that someone may consider buying a certain type of property does not necessarily indicate a need for such a property. I cannot be certain why those responding felt that they needed to move, as no question was asked in that regard. Consequently, I do not have compelling evidence to indicate that those respondents were living in accommodation which was unsuitable or incapable of adaptation to meet their requirements, or that they would have actively considered moving had the question not been asked. The phrasing of that 'gateway' question therefore introduces significant doubt as to whether those responding could be said with certainty to be in housing need and the robustness of any conclusions drawn from those responses.
19. In any event, only 20 of the 2019 LHNA survey respondents³ and 17 of the 2020 LHNA survey respondents stated that they required at least 3 bedrooms to meet the needs of their household. That figure includes 5 respondents to the 2020 survey who indicated that they required a minimum of 4 bedrooms. None of the 2019 respondents indicated a minimum of 4 bedrooms.
20. With the exception of one 4 bedroom bungalow, all of the market bungalows proposed in this case would have 3 bedrooms. Therefore, overall I consider it reasonable to take account of all of those who indicated that they would require at least 3 bedrooms in drawing comparisons with the appeal scheme. However, even having done so, the surveys indicate that the number of households that would consider buying or need to buy a 3 or 4 bedroom home is quite low.
21. Furthermore, whilst respondents were asked to express a preference for accommodation types, several indicated that they would consider other types of housing, such as flats, as well as bungalows. Therefore, even if all of those respondents were in need of alternative accommodation, I am not satisfied that any such need could only be met by bungalows.
22. However, even if I were to assume that all of those responding needed to purchase a new home suitable for those aged 55 or over and that all needed a bungalow, the number of households that needed bungalows of the size and type proposed in this case would still be low.

Recent planning permissions for bungalows

23. My attention has been drawn to recent planning permissions granted by the Council in Barrow and the adjoining parish of Whalley which include bungalows for market sale. Those permissions span a number of years and indicate that such accommodation is being delivered in the appeal parish and nearby. As such, they lend support to the Council's assertion that the development plan is functioning to provide such housing.
24. The permissions referred to include a range of bungalow sizes. However, for the purposes of my decision I have focused specifically on those permitted bungalows with at least 3 bedrooms. Any with fewer bedrooms would not be directly comparable to the 3 and 4 bedroom bungalows proposed in this case.

³ Rounded up from 19.76 (calculated based on 38% of the 52 respondents to the 2019 LHNA survey).

25. Some of the permitted properties classed by the Council as bungalows include ground floor living and bedrooms but also have first floor accommodation. I have discounted those from the figures as it is reasonable to assume that anyone responding to the LHNA surveys would assume that 'bungalow' meant a property with all accommodation at ground floor level⁴. I have also disregarded any affordable bungalows since they are not comparable to the market housing which the LHNAs seek to justify in this case.
26. The appellant suggests I should also disregard permitted bungalows that were not subject to a restriction limiting their occupancy to those aged 55 and over. None of the single storey 3 bedroom bungalows in the list of recent permissions were subject to such a restriction, whilst those proposed in the current appeal would be. However, I have no compelling evidence before me to indicate that those 'unrestricted' bungalows would be unavailable or unaffordable to people aged 55 and over or that those which have been built were not purchased by people of that age. Therefore, I see no reason to disregard those permitted 3 bedroom single storey market bungalows in my consideration.
27. On that basis, the evidence indicates that thirteen single storey 3 bedroom bungalows have been permitted by the Council in Barrow parish since 2016⁵.
28. As set out above, I have reservations as to whether the LHNA surveys indicate a compelling need for older people's market bungalows for people who are in housing which is unsuitable for their current or imminent future needs, as opposed to a more general aspiration that they may wish to move into such accommodation in the future. However, even if the LHNAs did indicate such a need, the evidence indicates that such housing is being delivered in the area.
29. The difference between the 13 bungalows recently permitted by the Council and the 17-20 respondents indicating a requirement for at least 3 bedrooms in the appellant's LHNAs is not so significant as to represent a compelling justification for the proposed market bungalows in the countryside in conflict with the Council's development strategy. It is common ground that the Council is currently able to demonstrate a 5 year supply of deliverable housing sites. Taking those factors together, from the evidence before me I am satisfied that the Council's development strategy and housing policies are functioning to deliver the type of housing identified in the LHNAs and proposed in this case.
30. The Council is also in the process of updating its evidence base in anticipation of a local plan review. I have no reason to conclude that such a review could not incorporate measures to address any shortfall in housing need which may be identified or that the delivery of such accommodation would not continue.
31. It was raised at the hearing that not all older people would necessarily wish to live in housing provided on large development sites. However, whilst Policy H3 only requires the provision of older people's housing on major developments, that does not necessarily imply that all such schemes would be very large. A major scheme could be as small as 10 units, and thus some degree smaller than the 24 unit scheme proposed in this case. Therefore, this does not alter

⁴ In this regard I was referred to the properties proposed in reserved matters application 3/2020/0332 and to a number of the properties proposed in application 3/2016/0344. I have discounted the 3 bedroom 'bungalows' from the figures provided for those two schemes accordingly.

⁵ This figure comprises the six 3 bedroom bungalows permitted in application 3/2017/0603 and the seven 3 bedroom bungalows permitted in application 3/2018/0500 (updated by 3/2019/0862).

my conclusion that development plan policies are functioning to provide appropriate housing for older people.

32. I have not taken into account responses in the LHNAs indicating a minimum requirement for fewer than 3 bedrooms, since such requirements do not provide support for the 3 and 4 bedroom bungalows proposed in this case. In any event, the evidence indicates that 1 bedroom and 2 bedroom bungalows have also been permitted in Barrow and Whalley parishes in recent years.

The affordable bungalows

33. The scheme would also include 10 affordable bungalows, 2 of which would be for residents aged 55 and over. There was no dispute from the Council that those bungalows would meet a local housing need. I have no reason to conclude otherwise and I recognise that those affordable properties would represent a positive benefit weighing in favour of the scheme.
34. However, the evidence indicates that the delivery of those 10 affordable units is dependent on the delivery of the 14 market bungalows. I must consider the scheme before me as a whole. In the absence of compelling evidence to indicate a local need for those market properties, justification does not exist to warrant granting permission for the development in the countryside in conflict with the Council's development plan and its development strategy.

Other considerations relevant to local housing need

35. With regard to Policies DMG2 and DMH3 I have been referred to the judgment in the *Tesco v Dundee* case⁶ which establishes that 'policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context'. My attention has also been drawn to the finding in the *Phides* case⁷ that 'unless there is a particular difficulty in construing a provision in the plan, which can only be resolved by going to another document either incorporated into the plan or explicitly referred to in it...one must look only to the contents of the plan itself, read fairly as a whole'.
36. Based on those judgments one could take the view that, in interpreting the meaning of 'local needs housing' referred to in Policies DMG2 and DMH3, I should consider those policies on their face and without reference to the background documents referred to in the Core Strategy glossary definition. Alternatively, one could take the view that the meaning of 'local needs housing' cannot be construed without reference to the glossary, which is in the development plan, and subsequently to those documents referred to therein.
37. In either event, it would not affect my conclusion in this case. The SHMAs – one of the documents referred to in the Core Strategy glossary – include reference to the proportion of older people within the borough's demographic and the implications for housing provision within the borough. However, even having regard to the appellant's LHNAs as a further material consideration, I am not satisfied that a compelling local housing need for the older people's market bungalows proposed has been demonstrated to justify the development in the open countryside.

⁶ *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13

⁷ *Phides Estates (Overseas) Ltd v SSCLG* [2015] EWHC 827 (Admin)

Conclusion on the first main issue

38. I conclude that the proposed development would not accord with policies relating to the control of development in the countryside. It would conflict with the provisions of Policies DMG2 and DMH3 set out above and with the Council's development strategy.

Character and appearance

39. The Council's second reason for refusal states that the development would not represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of Barrow. However, those criteria, which are in the first part of Policy DMG2, relate specifically to development proposals *in* tier 1 villages such as Barrow. In this case it is common ground that the site is not within the settlement boundary for Barrow and is in the open countryside. Consequently, the site is not *in* the settlement of Barrow and the criteria in the first part of Policy DMG2 are not engaged.

40. Policy DMG2 goes on to state 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. Accordingly, it is on that basis that I have considered this appeal.

41. Within the Barrow settlement boundary close to the site, Whalley Road is characterised predominantly by close-knit terraced housing, some adjacent to the back of the footways, some set back behind small front gardens. That part of Whalley Road has a distinctively built-up, suburban character.

42. However, upon leaving the settlement boundary and travelling towards the site, the character of Whalley Road quickly changes. Some housing is still present along Whalley Road, up to the junction of the A671. However, those houses are generally set back from the road frontage behind hedges and landscaped front gardens. They are also generally arranged in small groups, separated from one another by very wide gaps formed by open fields with high hedgerows running alongside the road frontage. The pattern of development along Whalley Road beyond the settlement boundary is therefore distinctively more sporadic and dispersed than is characteristic of the more close-knit, built up frontages within the settlement boundary.

43. The recently-built estate on Elbow Wood Drive immediately to the south of the site is larger than is generally characteristic of housing groups along this section of Whalley Road. As such it represents a somewhat uncharacteristically suburban feature within its wider rural surroundings. Nonetheless, it still has a relatively limited frontage length along Whalley Road and is still separated from other groups of housing and from the nearby golf club buildings and car park by large expanses of open fields, including the appeal site. Consequently, even with that relatively recent development, overall Whalley Road has maintained a spacious, semi-rural character and pattern of development as it leads away from the built-up frontages within the settlement boundary and through the open countryside beyond.

44. The appeal site is a field which extends alongside Whalley Road for some distance, separating the golf club buildings and car park to the north from the built development on Elbow Wood Drive to the south. As such, the site comprises one of those distinctive wide gaps of open space between clusters of

built development which characterise this section of Whalley Road outside the settlement boundary. Consequently, in its open, undeveloped form, the site makes a positive contribution to the distinctive, dispersed character of Whalley Road and its immediate surroundings.

45. The site is on the approach to Barrow and adjacent to other housing at Elbow Wood Drive. However, it is nonetheless physically separated from the settlement boundary with intervening open fields, and with further fields opposite and open land within the golf course to the rear. Consequently, the development would be viewed in its countryside surroundings rather than in the context of the built-up part of Barrow village. The development would extend alongside Whalley Road for some distance and the buildings themselves, together with their associated access, parking and garden areas, would result in a significant expanse of suburban, domestic development that would be highly incongruous in that countryside context.
46. The development would be between the car park of Clitheroe Golf Club and existing housing development at Elbow Wood Drive. However, the consequence would be the loss of one of those wide gaps of open space which form part of the street scene's distinctive, dispersed open character at present. The scheme would result in an almost uninterrupted expanse of built development extending from Elbow Wood Drive to the end of the row of bungalows at the junction of the A671. The consolidation of those sporadic clusters of buildings into a single long expanse of predominantly residential developed frontage would significantly alter and suburbanise the character of this section of Whalley Road. As a result, the development would significantly erode the distinctive dispersed, spacious, semi-rural character of its surroundings.
47. I recognise the intention to use high quality, sympathetic materials in the construction of all of the proposed bungalows. However, that would not overcome the harm I have identified, which would arise from the physical presence of the buildings themselves and the unquestionably domestic character of their associated external areas.
48. The bungalows would be lower than other buildings nearby. They would also be set back from the road frontage. The development would therefore be screened to some degree by existing trees on the southern and western site boundaries and by the front boundary hedge and new planting once it had become established. As identified in the appellant's Landscape and Visual Assessment the effects of the development on the wider landscape would be somewhat limited. However, the proposed buildings and their associated parking, access and garden areas would be clearly visible from Whalley Road, even with the existing boundary planting and proposed landscaping. The very harmful, suburbanising and erosive effects of the development, whilst relatively localised, would thus cause significant harm to the character of their surroundings.
49. I conclude that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore not accord with Policies DMG1 or DMG2 of the Core Strategy which collectively require development to be sympathetic to existing land uses, in keeping with the character of the landscape and to take account of the relationship to its surroundings. It would also conflict with the National Planning Policy Framework (the Framework), which requires planning decisions to

contribute to the local environment by recognising the intrinsic character and beauty of the countryside.

Unilateral Undertaking

50. The UU would restrict occupancy of the market bungalows to residents aged 55 and over. It would also secure the delivery of the 10 proposed affordable bungalows, 2 of which would be affordable bungalows for older people. The UU would therefore secure affordable housing and housing for older people at a level which would meet and, in some respects, exceed the requirements of Key Statement H3 and Policy DMH1 of the Core Strategy. These are positive considerations to weigh in the overall planning balance.
51. The Council has withdrawn its reason for refusal relating to the provision of affordable housing for older people on that basis. Having regard to the UU I am also satisfied that adequate provision would be made for affordable housing for older people as part of the proposed development.
52. The UU also includes obligations relating to financial contributions towards primary education provision and leisure and play facilities. Those have been calculated based on the specific scale and nature of the development. I am therefore satisfied that those obligations would be directly related and fairly related in scale and kind to the proposed development and would meet the relevant tests set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). However, the primary education and leisure and play contributions are necessary to make the development acceptable in planning terms. As such, they are neutral considerations to be weighed in the planning balance.

Planning Balance and Conclusion

53. The proposal would result in development in the open countryside which, in the absence of compelling justification, would conflict with the Council's development strategy. It would also cause significant harm to character and appearance. It would therefore conflict with development plan policies DMG1, DMG2 and DMH3 as set out above. Those policies are consistent with the Framework which requires that developments are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.
54. The appellant contends that, because of the age of those documents listed in the Core Strategy glossary definition, the development plan should be considered out of date and paragraph 11 d) of the Framework engaged. Those documents are of some age. However, they are not development plan policies or part of the development plan. They are separate documents which assess housing need as part of its evidence base, but do not set specific targets or prescribe how individual development proposals should be considered. Accordingly, their age does not render the development plan itself out of date.
55. Therefore, and as it is common ground that the Council is currently able to demonstrate at least a 5 year housing land supply, I conclude that the policies which are most important for determining the application are not out of date. Accordingly, paragraph 11d) of the Framework is not engaged in this case.
56. The development would provide affordable housing beyond the level required by Policy H3. The appellant has worked closely with a local affordable housing provider and the units are intended to provide specialist, supported affordable

accommodation to meet needs in the area. That accommodation would represent a notable benefit which I afford positive weight in the planning balance. However, its delivery is dependent on the 14 market bungalows for which no local housing need has been demonstrated. The scheme would also cause significant harm to the character and appearance of its surroundings. The benefits of those affordable units are not sufficient to outweigh that conflict or the harm that would arise from the scheme as a whole.

57. At the hearing I was referred to the recently published Planning White Paper⁸ and Changes to the Current Planning System consultation document⁹. In particular, it was suggested that the affordable housing now proposed may not be secured if proposals set out in the latter of those documents were to come forward. However, the implications of the recent consultation on those documents are not yet known and the proposals therein remain subject to change, thus limiting the weight I afford to them in this case.
58. The development would also contribute to overall housing supply in the borough. The site is close to local amenities and public transport links, which would be of benefit for older people's housing and for housing generally, and future occupants would provide some support for businesses in nearby Barrow. However, the benefits of the 24 dwellings proposed would not outweigh the significant harm I have identified in respect of the effect on the character and appearance of the area and the conflict with the Council's development strategy.
59. I acknowledge the appellant's history of developing housing in the area, the effects of the Covid-19 pandemic on his business and the implications that my dismissing this appeal may have for his business and staff. I was referred to the Prime Ministers 'Build Build Build' statement in response to the Covid-19 pandemic and I recognise the challenges and implications that have arisen from the pandemic and the potential role of small and medium sized construction companies in the recovery period. The development would provide support for local suppliers and employment during the construction period, and I acknowledge the appellant's stated willingness to commence the development within 12 months. However, those factors do not alter or outweigh my conclusions regarding the conflict with the Council's development strategy or the significant and lasting harm to character and appearance that would arise as a result of the proposed development in this case.
60. I am advised that the adjacent golf course and possibly other nearby dwellings could connect into the development's mains sewerage system. I have been referred to the potential for such a proposal to address existing issues with effluent in the adjacent watercourse and remove the need for the golf club to replace their septic tank. However, I was advised that the issues with the adjacent watercourse could be addressed separately through environmental health legislation and such remediation was not reliant on the delivery of this scheme. Therefore, and as the drainage design is at an early stage such that little detailed information has been provided to me in that regard, the weight I afford any benefits arising from such proposals is limited.
61. The UU also includes obligations requiring payments towards primary education, leisure and play facilities. However, those obligations relate to

⁸ Planning for the Future: White Paper August 2020

⁹ Changes to the current planning system: Consultation on changes to planning policy and regulations

mitigation to make the proposed development acceptable. As such they are neutral in the planning balance rather than benefits weighing in favour of the proposal.

62. I have considered the proposal against the development plan as a whole and having regard to the *Corbett* judgment¹⁰ to which I have been referred. Having done so, I find the harm arising and the conflict with those development plan policies set out above carries significant and determinative weight. That harm is not outweighed by the benefits of the scheme or the absence of conflict with other development plan policies. I therefore conclude that the development would conflict with the development plan as a whole and that material considerations do not justify making a decision other than in accordance with the development plan in this case.

63. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR

¹⁰ R (on the application of William Corbett) v Cornwall Council [2020] EWCA Civ 508

APPEARANCES

FOR THE APPELLANT:

David Knowles	Westbridge Developments Ltd
Joshua Hellowell	PWA Planning
Anthony Gill	Kings Chambers
Freya Lees	North Star
Andrew Booth	Calico Homes

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Kilmartin	Ribble Valley Borough Council
Rachel Horton	Ribble Valley Borough Council

INTERESTED PERSONS:

Mashood Ahmad
Michael Ashforth
Nigel Clowes
Councillor Robert Thompson

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

1. Ribble Valley Borough Council Strategic Housing Market Assessment dated June 2013.
2. Details of other sites suggested for the Inspector to visit.
3. Copies of judgments:
 - Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
 - Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)
 - R (on the application of William Corbett) v Cornwall Council [2020] EWCA Civ 508
4. Appellant's legal submissions regarding the judgments listed in point 3, subsequent comments from the Council and appellant's final comments.
5. Ribble Valley Borough Council Core Strategy 2008-2028.
6. Emails and attachments from the local planning authority clarifying details regarding applications referred to in submissions and at the hearing.
7. Unilateral Undertaking dated 29 September 2020.
8. Appeal and costs decisions for appeal reference APP/T2350/W/20/3248156 and appellant's comments.