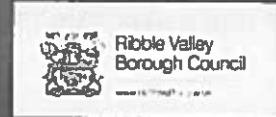


Ag 27

For official use		Ref. No.
		Ack'd

Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD)



Regulation 19 (Publication) comments response Form

Before using this form to make any comments please ensure that you have read the Housing and Economic Development – Development Plan Document and the Guidance Notes, which can be found on Ribble Valley Borough Council's website - [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) and follow the HED DPD.

If after reading the Guidance Notes you should have any queries in completing the form please telephone 01200 425111.

This form has two parts: -

Part A - Personal Details (you need only complete one copy of Part A)

Part B - Your comment(s) (Please complete a separate Part B for each comment you wish to make.)

All completed comments forms must be received by the Council no later than 5:00pm on Friday 9th June 2017.

Please return paper copies marked 'HED DPD PUBLICATION CONSULTATION' to Council Offices, Church Walk, Clitheroe, BB7 2RA

**Part A**

Q1 Please can you provide the following information which will assist us in contacting you if we need to discuss any of your comments further.

Name	[Redacted]	<input type="checkbox"/>
Name of Organisation (if you are responding on behalf of an organisation)	[Redacted]	<input type="checkbox"/>
Database Reference number (if you have one)	[Redacted]	<input type="checkbox"/>
Address	[Redacted]	<input type="checkbox"/>
Post Code	[Redacted]	<input type="checkbox"/>
Email Address	[Redacted]	<input type="checkbox"/>
Phone number	[Redacted]	<input type="checkbox"/>

Copies of all comments made in Part B of the form will be put in the public domain and are not confidential, apart from any personal information. All personal information within Parts A and B will only be used by the Council in connection with the Local Development Framework and not for any other purpose and will be held in accordance with the Data Protection Act 1998. The Council will summarise the comments and all representations will be made available to the Planning Inspectorate.

Part B

Please use a separate form for each individual comment.

Q2

Name / Name of Organisation (if you are responding on behalf of an organisation)

SWPC LTD.

Q3

To which part of the HED DPD does this comment relate?

Part of document e.g. Housing allocations, open space policy etc...

PROPOSALS MAP

Paragraph No.

MELLOR BROOK

Q4

As a consequence do you consider the HED DPD is:

- i) Legally compliant
- ii) Sound \*

Yes

No

\* The considerations in relation to the HED DPD being sound are explained in the Guidance Notes

Q5

If you consider the HED DPD is unsound, is this because it is not... (please tick the appropriate box)

Justified

Consistent with national policy

Effective

Positively prepared

Q6

Please give details of why you consider that the HED DPD is not legally compliant or sound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the HED DPD, please also use this box to set out your comments. Please continue on a separate sheet if required.

JUSTIFIED: - THE SETTLEMENT BOUNDARY OF MELLOR BROOK AS SHOWN ON THE PROPOSALS MAP HAS BEEN DRAWN IN A MANNER WHICH IS INCONSISTENT WITH THE COUNCIL'S SETTLEMENT BOUNDARY DEFINITION TOPIC PAPER. (SEE OCTOBER 2016 - REGULATION 18 REPRESENTATIONS - ATTACHED).

POSITIVELY PREPARED: - WE QUESTION WHETHER THE COUNCIL'S VERY LIMITED RELEASE OF LANDS FOR DEVELOPMENT IN GENERAL AND AT MELLOR BROOK SPECIFICALLY, WILL ALLOW FOR ALL OBJECTIVELY ASSESSED NEEDS TO BE MET IN THE PLAN PERIOD

CONSISTENT WITH NATIONAL POLICY: - SETTLEMENT AND CONSEQUENTLY GREEN BELT BOUNDARIES SHOULD BE DRAWN IN ACCORDANCE WITH PARAGRAPH 85 OF NPPF. THEY HAVE NOT BEEN.

**Q7** Please set out what change(s) you consider necessary to make the HED DPD legally compliant or sound, having regard to the test you have identified at Q5 above where this relates to soundness.

You will need to say why this change will make the HED DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be precise as possible. *Please continue on a separate sheet if required.*

1/ INCLUDE SOME LANDS WITHIN THE SETTLEMENT BOUNDARY OF MELLOR BROOK THAT CAN ACCOMMODATE MODEST HOUSING AND/OR EMPLOYMENT DEVELOPMENT.  
2/ REDEFINE THE GREEN BELT BOUNDARY (AS ABOVE) AND ESPECIALLY AT THE BOUNDARY SOUTH OF MILL COTTAGE, MELLOR BROOK (SEE REGULATION 18 REPS).

**Please note:** your comment should cover succinctly all the information, evidence, and supporting information necessary to support/justify the comment and the suggested change, as there will not normally be another opportunity to make further comments based on the original comment made at the publication stage.

After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination in the forthcoming Examination in Public. Please note also that the Inspector is not obliged to consider any previous comments that have been made in respect of the HED DPD. You are urged, therefore, to re-submit on this form any previously submitted comments that, in your view, remain valid and that you wish the Inspector to consider.

**Q8** If your representation is seeking change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I do wish to participate at the oral examination

**Q9** If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. *(Please note that the Inspector will determine who participates.) Please continue on a separate sheet if required.*

IT IS ESSENTIAL TO EXPLORE THE ISSUES IN RESPECT OF POSITIVE PREPARATION AND NPPF (PARA 85 MATTERS) THROUGH DISCUSSION ON SITE AND AT THE HEARINGS.

**Q10** If you wish to be kept informed as the HED DPD progresses through to adoption, please indicate which of the following stages you wish to be informed of by ticking the box(es) below.

Submission of the HED DPD to the Secretary of State for independent Examination

The publication of the Inspector's report following the Examination

The formal adoption of the HED DPD

**Q11** If you have any other comments to make on the HED DPD that have not been covered elsewhere, please use the box below. *Please continue on a separate sheet if required.*

**Q12** Date of completion: 09/06/2017

**Q13** Signat



Thank you very much for taking the time to complete this comments form, your comments are very much appreciated.

If after reading the Guidance Notes you should have any queries in completing this form please telephone 01200 425111



**Representations to Ribble Valley Local Plan:  
Housing and Economic Development DPD – October 2016  
Regulation 18 Issues and Options Consultation Response**

1. This written representation is submitted by JWPC Ltd on behalf of a number of our clients in response to the Issues and Options Consultation of the Ribble Valley Housing and Economic Development DPD. This document should be considered alongside the wider representations made by JWPC Ltd as a practise which address Borough-wide Strategic Development matters and the ability of the DPD to deliver the Development Strategy.
2. Our submissions are limited to the proposed drafting of the Mellor Brook settlement boundary and associated Green Belt boundary.
3. Mellor Brook is defined within Policy DS1 of the Ribble Valley Core Strategy (RVCS) as a Tier 1 settlement. This status reflects the close proximity to the village of BAE Systems' site at Samlesbury and the significant expansion of the site to provide a business park for high technology manufacturing under Enterprise Zone status. When complete around 6000 highly skilled jobs will be created. To some extent, neighbouring South Ribble Council have anticipated this growth through the designation of one of four Village Development sites of land to the western side of the village. This will deliver housing if and when needed for South Ribble. In contrast, Ribble Valley proposes no change to the Mellor Brook settlement boundary from the 1998 Local Plan Proposals Map which itself, was based upon population and economic evidence from the 1991 Census.
4. In order to inform the re-assessment of the settlement boundaries, the Council prepared a Settlement Boundary Definition Topic Paper (March 2016). Taking this into account, it is clear

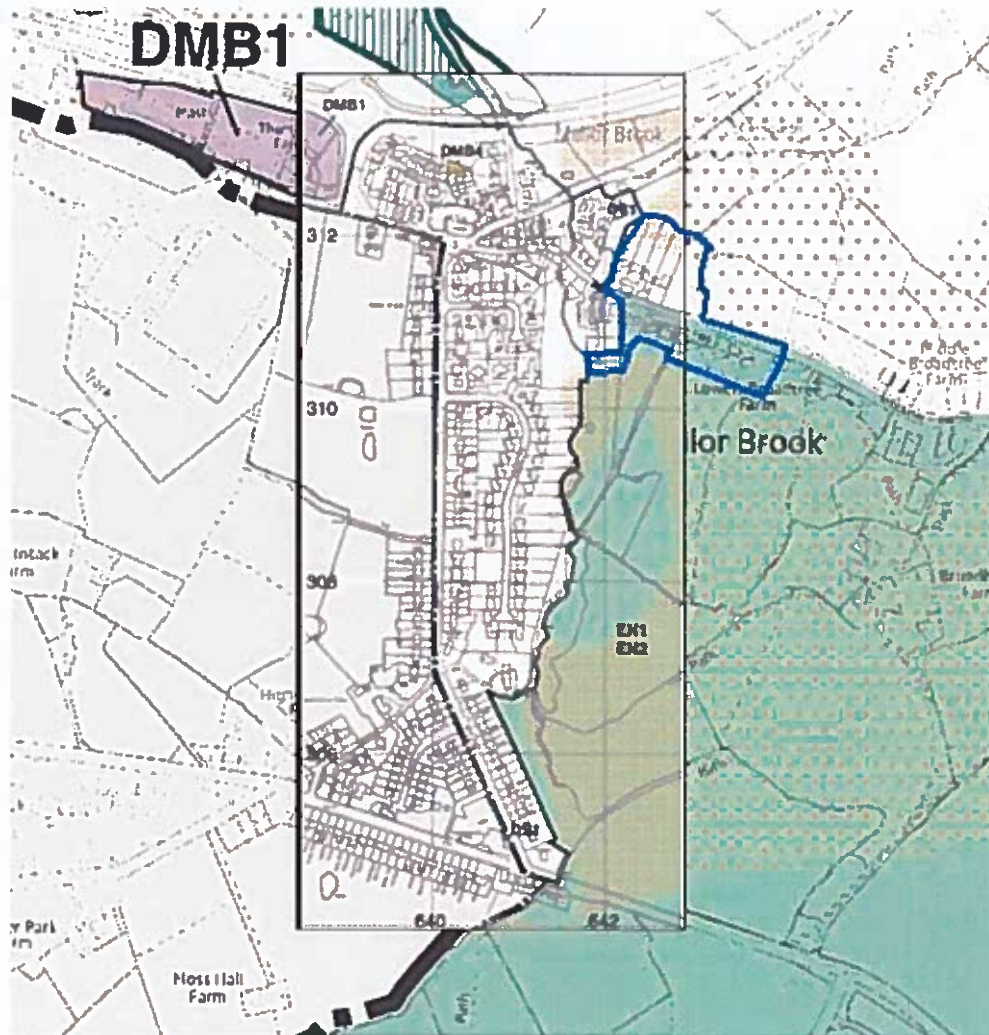
that the settlement boundary for Mellor Brook as proposed in the Issues and Options consultation document is inconsistent with the Topic Paper.

5. Mellor Brook has developed along two axes: Branch Road and Mellor Brow. Whilst all of Mellor Brook down to Preston New Road is within the settlement boundary. The settlement boundary currently terminated to the east at Mellor Brook Bridge. However, beyond this there is a continuous ribbon of houses on both sides of the road and whilst the Topic Paper states that 'single depth' ribbon development will be excluded, where it is 'physically well related to the settlement' it should be included. In this case, The housing to the north of Mellor Brow (up to and including 120 Mellor Brow) and Broadtree Close (a suburban housing development set back from the road with a dedicated access road) are physically well related to Mellor Brook by virtue of their close geographical proximity i.e. within easy walking distance along a well-lit road to the centre of the village. The obvious place to terminate the settlement boundary to the north of the road would be the curtilage of 120/122 Mellor Brow and Lower Broadtree Farm to the south. This would ensure adequate separation between Mellor Brook and Mellor.
6. It is further proposed that land to the south of Mill Cottage is also included within the settlement boundary and thus, removed from Green Belt. Land to the east of this has the benefit of planning permission for 3 detached dwellings (LPA Ref: 3/2016/0092) whilst the former Pack Horse Garage consent (LPA Ref: 3/2016/0282) for 9 apartments which has now been implemented. The land to the south of Mill Cottage itself was subject of a refused planning permission in October 2014 (LPA Ref: 3/2014/0679) which was subsequently dismissed on appeal, for three dwellings. Two of those were proposed on land within the Green Belt but on land which currently exhibits evidence of the former industrial use of the site, as a number of structures and foundations remain visible. The Inspector, in his decision letter<sup>1</sup> considered that at least part of this site could be considered previously-developed land.
7. Such land immediately abuts the residential curtilage of Mill Cottage and is easily accessed by vehicle and is physically linked to the settlement. As previously-developed land it is proposed that its inclusion within the settlement boundary would represent 'consolidation' as defined by the Topic Paper.

---

<sup>1</sup> APP/T2350/W/15/3004914, Paragraph 13.

8. The image below shows the Issues and Options Proposal Map for Mellor Brook set within the A59 Corridor map to assist with context and to show the extent to which JWPC Ltd considers that the settlement boundary of Mellor Brook could be extended.



*Fig 1: Proposed extension to Issues and Options settlement boundary for Mellor Brook*

JWPC Ltd

October 2016







---

## Appeal Decision

Site visit made on 27 May 2015

by **Keith Manning BSc (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 July 2015

---

**Appeal Ref: APP/T2350/W/15/3004914**

**Mill Cottage, Victoria Terrace, Mellor Brook, Blackburn BB2 7PL**

- 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 Leehand Properties against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2014/0679, dated 16 June 2014, was refused by notice dated 3 October 2014.
  - The development proposed is demolition of single house and development of 3 detached houses.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues to be as follows:-

- Whether the proposed development represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on protected trees;
- The effect of the proposed development on highway safety; and
- If the proposed development does represent inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to constitute the very special circumstances required to justify the development.

### Reasons

#### *Background*

3. Since the Council decided the application it has adopted its Core Strategy, the most relevant policies of which I take into account as necessary.
4. The appeal site is a small parcel of land in a valley on the fringes of Mellor Brook, at the southern end of a terrace of cottages terminating at Mill Cottage.

Mill Cottage is proposed for demolition to make way for Plot 1 of the three detached houses proposed. The remainder of the site is formed by a bowl-like depression in the valley side, which to the immediate south is heavily wooded for a considerable distance, this area of woodland being the subject of a tree preservation order (TPO) imposed in 1991.

5. In addition to Mill Cottage, the site contains the lower stone courses of a demolished building and a more recent but fairly bulky brick-built structure of indeterminate purpose. Both features were clearly visible at the time of my visit as the weeds, scrub and saplings shown on the Council's photographs of the site appeared to have been removed.
6. Land controlled by the appellant on the opposite side of the stream which has formed the valley benefits from planning permission for residential development, including three detached houses similar to those proposed on the appeal site.<sup>1</sup> Drawing 11.138/03E, part of the application subject to appeal, shows this land to be contiguous with the appeal site, with the proposed access roads joined via a bridge over the stream. The Council informs me that the bridge shown does not have the benefit of planning permission. It is, moreover, outside the appeal site. At the time of my visit the site with planning permission was being marketed as a development opportunity. The woodland to the south of the appeal site subject to the TPO is also shown as being in the control of the appellant.

#### *Whether inappropriate in the Green Belt*

7. The appellant expresses some doubt as to whether the Green belt boundary, which excludes most of the built-up area of Mellor Brook, actually includes much of the site. I have some sympathy with the doubt insofar as the scale of the proposals map from the previously adopted Ribble Valley Districtwide Local Plan (the only authoritative detailed definition of the Green Belt boundary) is such that the thickness of the line drawn around the village obscures much of the site south of the gable end of Mill Cottage. The rear garden fence line associated with Mill Cottage and its immediate neighbours appears to correspond to the middle of the line, whereas the inner side is contiguous with the gable wall. However, the convention of placing crenellations on the inside of such lines favours the Council's interpretation that the boundary is intended to correspond to the gable wall.
8. This looks to be the case when the proposals map is compared with the site and on the basis of all the evidence before me I am clear that much of the site is actually in the Green Belt, as the Council maintains, the upshot being that the proposed Plots 1 and 2 are, in the main<sup>2</sup>, subject to the full force of Green Belt policy, whereas Plot 3 is not, this being broadly co-incident with Mill Cottage, which is excluded from the designation.
9. The appellant's statement, in amplification of the original planning support statement, devotes attention to the merits of the Green Belt boundary, but those are not a matter for me. Moreover, I have no evidence to suggest that the adoption of the Core Strategy has resulted in, or will result in, any change to the Green Belt boundary as defined. On the contrary, the Council's

---

<sup>1</sup> Permission Ref 3/2014/0876 including Dwg. 11.138/09A

<sup>2</sup> A strip of land along the northern boundary of Plot 2 would fall outside the Green Belt as it corresponds to what is presently part of the southern extremity of Mill Cottage.

statement at paragraph 7.7 suggests that the Green belt boundary with the settlement of Mellor Brook is unlikely to be altered in the vicinity of the appeal site; whatever the intended settlement boundary review may lead to elsewhere. Be that as it may, the Framework is clear<sup>3</sup> that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. For the purposes of determining this appeal I am therefore constrained to take the situation as I find it. The success of Green belt policy relies on rigorous and consistent application of the relevant principles and adherence to set boundaries.

10. That being so, I am obliged to treat the majority of the balance of the site outside the curtilage of Mill Cottage as formally designated Green Belt irrespective of its physical circumstances. While the appellant's final comments castigate the line as "arbitrary", it must perforce remain the formal boundary unless changed through appropriate procedure. Any other approach would undermine the integrity and intentions of Green Belt policy, to which, the Framework emphasises, the Government attaches great importance.
11. Redevelopment of Mill Cottage itself would plainly be non-contentious to the extent that it is formally excluded from the Green Belt, but the proposal would involve the construction of two houses that, for all practical purposes would be within it.<sup>4</sup> I have not been requested to consider a split decision; and I do not in any event consider that to be appropriate in this instance because the replacement of Mill cottage by a single detached house of the type proposed would potentially raise different issues in relation to the character and appearance of the area than the more comprehensive approach implicit in the group of three proposed. The decision, as far as Green Belt policy is concerned, therefore turns on the two houses proposed within it; and I note that third party objectors oppose the development on, amongst other things, Green Belt grounds.
12. Key Statement EN1 of the Core Strategy sets out its Green Belt policy in broad terms as an approach consistent with national policy to protect land so designated. Paragraph 89 of the Framework defines those categories of new building which are not inappropriate within a Green Belt. The proposed development, which would extend the built-up area of the village, albeit marginally, does not in my view constitute 'limited infilling' but the appellant maintains that the site, including that part of it which lies within the Green Belt, comprises 'previously-developed' land. Clearly Mill Cottage is within this category but that is outside the Green belt in any event. The balance of the site is more problematic in this context.
13. I have considered the definition of previously-developed land in the glossary to the Framework and the nature of what is present on the site, namely the brick structure and the clearly apparent stone foundation courses of a former industrial building demolished, as I understand it, in the 1920s. Photographs adduced by the Council create an impression of this part of the site being significantly overgrown so as to appear blended into the landscape. Those adduced by the appellant cast doubt on that proposition, as does the more maintained state of the site apparent at the time of my visit. Taking into account the prominence and position of the brick structure and the relationship of this and the stone foundation to Mill Cottage, I consider that part of the site

---

<sup>3</sup> NPPF paragraph 83

<sup>4</sup> Only an insignificant part of the house on Plot 2 would be excluded

which is within the Green Belt may, on balance, be considered previously-developed for the purposes of applying relevant policy, albeit marginally so.

14. However, that, of itself, does not lead to a conclusion that its redevelopment would represent development that is not inappropriate within a Green Belt. The relevant test is set out in paragraph 89 of the Framework, namely that such redevelopment would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
15. Plainly, the existing development on this part of the site is rather low key in nature and with a low profile in physical terms, visually contained within the bowl of the land adjacent to Mill Cottage. Figure 4 of the planning support statement shows the nature of the site and its topography. On the basis of what I saw when I visited the site and its surroundings I consider two three storey dwellings would have a significant impact on the current largely open nature of the land to the south of Mill Cottage, certainly much more so than the existing structures in evidence. This land, being outside the defined settlement of Mellor Brook is classified as countryside for policy purposes and, in reality, has much in common with the rural land to the south, notwithstanding its previously developed status and the fact that the land to the south is currently wooded.
16. The Framework emphasises permanent openness as the essential characteristic of Green Belts and its purposes include assisting in safeguarding the countryside from encroachment. Encouragement of the recycling of derelict and other urban land is also a specified purpose, but Green Belts achieve this by containing development within prescribed limits. Derelict land lying within Green Belts is subject to the full force of the relevant policy criteria to which I have referred, notably the maintenance of openness and the prevention of encroachment.
17. The assessment is a matter of fact and degree in this case but, on the basis of my site visit and for the above reasons, I am clear that the proposed development would have a greater impact on the openness of the Green Belt than the existing development and would encroach a little upon the countryside surrounding and closely associated with the settlement of Mellor Brook. On that basis, the proposed development, insofar as it does lie within the Green Belt, is clearly inappropriate.

*Effect on character and appearance of the area*

18. I do not agree that the proposed development would be harmful to the character and appearance of this corner of the village. The houses proposed, although a contemporary interpretation the local vernacular adapted to the detached format, are of similar style to those already approved and, when combined with those, would appear as a harmonious whole at the end of Victoria Terrace, backgrounded by the woodland. The three houses proposed would not be obvious from Mellor Brow and on approach along Victoria Terrace would replace a parcel of land that appears derelict and unused at present. What looks to be a somewhat neglected component of the village margins would be comprehensively improved by development that would accord with its existing and currently approved context. Accordingly, I consider the proposed development would give rise to no significant harm as a consequence of conflict

with the intentions of the Policies DMG1 and DME2 of the Core Strategy insofar as these relate to the character and appearance of the area.

*Effect on protected trees*

19. The woodland immediately adjacent to the site boundary is characterised by vigorous species of tree, young and seemingly self-sown. Moreover, a partially obscured and buried constructed drainage channel of some depth separates the woodland edge from much of the proposed building on Plot 1 and, taking all these factors into account, it is clear to me that the impact on the health or longevity of the trees that could potentially be effected would be marginal. In the circumstances, I do not consider further information would be necessary. Consequently, there would be no significantly harmful conflict with the relevant intentions of Core Strategy Policies DMG1, DME1 or DME2.

*Effect on highway safety*

20. The highway authority's concerns about the inadequacy of the vehicle turning arrangements appear to me to be well founded. Plainly, many inherited road designs inhibit safe and convenient use by modern vehicles including delivery vehicles that are a prevalent feature of current lifestyles. In those circumstances, drivers must make the best of it even if regular reversing is necessary. However, I do not consider it acceptable to 'design in' such inadequacies when the opportunity to achieve satisfactory standards of convenience and safety otherwise presents itself. In this case, the proposed turning arrangements are constrained by the space available within the application site and inward opening gates, as now suggested by the appellant, would create obvious problems for occupiers of Plot 2 as configured. Even for an 'access drive', Lancashire County Council's *Residential Road Design Guide* requires<sup>5</sup> 4.5m clear of the main carriageway for turning in any event. In practice, delivery and service vehicle drivers in particular would experience considerable difficulty in turning around in the constrained space shown to be available and would likely opt for long reverse manoeuvres with all the attendant dangers on a residential street. The proposed layout therefore conflicts unacceptably with the intentions of Core Strategy Policy DMG1 as regards highway safety.
21. I am conscious that the land contiguous with the proposed turning head, outside the application site, is in the control of the appellant and that a connecting bridge to the approved development to the west is shown on various application drawings including the proposed site plan 11.138/03E. Such an arrangement would effectively resolve the problem. However, the Council informs me that the bridge indicated does not in fact form part of the scheme that has been approved and I have no evidence to suggest otherwise. Moreover, all other things being equal, I do not consider a 'Grampian' type condition to require the construction of such a bridge would be appropriate, as I have no evidence that such a bridge would be viable in the context the proposed development, or necessarily achievable having regard to ground conditions or acceptable to the relevant authorities in any event. It is no more than an imported theoretical concept at this juncture which, as the Council says, indicates a confused access strategy. I therefore place no weight on the indicated connection to the approved scheme for the purposes of this appeal.

---

<sup>5</sup> Paragraph 5.64

*Whether there are very special circumstances to justify the development*

22. I have concluded that the proposed development is inappropriate. Paragraph 87 of the Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight be given to any harm to the Green Belt and further explains that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These may include economic, social and environmental considerations of the type conventionally balanced in determining whether development is sustainable and, although the appellant does not explicitly present a very special circumstances case, a number of considerations are referred to which might potentially contribute to such a conclusion.
23. The Council claims that it can demonstrate a five year supply of housing land and bearing in mind the recent adoption of the Core Strategy I have no evidence to suggest that is not currently the case. In any event the net gain of two houses would be of limited significance locally even in the context of national intentions to significantly boost the supply of housing. Moreover, footnote 9 to the Framework makes it very clear that the presumption in favour of sustainable development, even were it to be engaged, does not override Green Belt policy and hence I attach very limited weight to the potential addition to the housing stock of Mellor Bridge even though the Council acknowledges it to be a Tier One settlement for Core Strategy purposes with a settlement boundary requiring review, albeit that appears unlikely to encompass review of the Green Belt boundary.
24. I consider there would be some social and economic advantages in increasing housing supply and choice locally, not least in the context of Government policy and incentives to do so, albeit the net gain would in this instance be small. I also consider that the removal of previously-developed land of neglected appearance on the margin of the village would have environmental advantages in the context of a comprehensive scheme of which the appeal proposal would arguably be part. However, having taken these advantages and all other matters raised into account, I do not consider that the overall advantages can be said to clearly outweigh the harm to highway safety and the harm to the Green Belt by reason of inappropriateness, to which I accord substantial weight, and the consequential harmful conflict with the intentions of the Council's Core Strategy. Therefore very special circumstances do not exist and, accordingly, the appeal must fail.

*Keith Manning*

Inspector