



## **HEARING STATEMENT**

### **ISSUE 1 AND 2: LEGAL COMPLIANCE AND HOUSING**

### **EXAMINATION OF THE HOUSING AND ECONOMIC DEVELOPMENT, DEVELOPMENT PLAN DOCUMENT SUBMISSION DRAFT**

### **FOR HALLAM LAND MANAGEMENT LTD**

Date: November 2018

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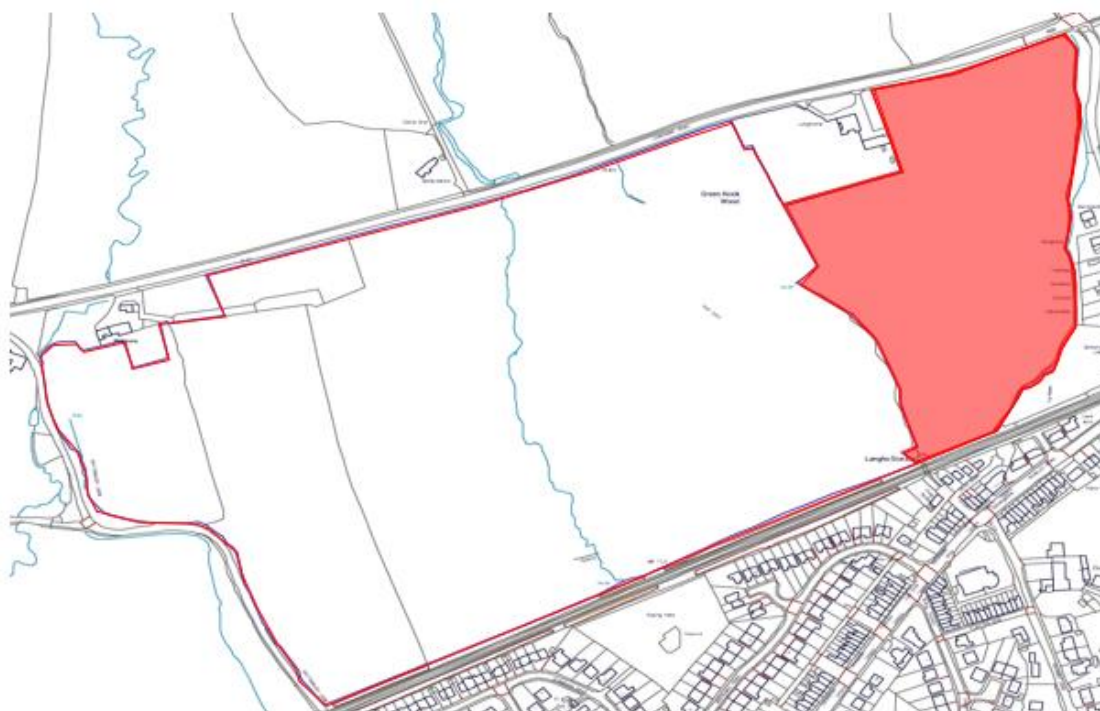
## **1. INTRODUCTION**

- 1.1 This statement is submitted on behalf of Hallam Land Management Ltd (Hallam) in response to the Inspector's main issues and questions set out in the letter dated the 2<sup>nd</sup> November 2017.
- 1.2 Pegasus Group, on behalf of Hallam, have made representations to earlier stages of the HED DPD process as listed below:
- HED DPD Issues and Options (Reg 18) consultation – October 2016 – (Ref: L025);
  - HED DPD Reg 19 consultation – June 2017 – (Ref: L026v2);
  - HED DPD Examination Hearings November 2017 – (Ref: L028v3); and
  - HED DPD Main Modifications – Additional Housing Sites – September 2018 (Ref: R011v2).
- 1.3 Whilst we did not submit formal Hearing Statements in November 2017, Pegasus Group did submit a letter to the Inspector in November 2017 to confirm our land interests. The letter confirmed that we are wholly supportive of the proposed changes to the settlement boundary of Langho. We are also supportive of the findings of the HBF Representations, which recommend that additional sources of housing land supply should be considered to provide greater certainty that the development requirements of Ribble Valley will be met.
- 1.4 As well as this, the Council's website was updated on 1st November 2018 to state that the Inspector would be happy to receive additional hearing statements based on updated information. However, these statements must be received just 6 days later by 7th November 2018.
- 1.5 In response to the Inspector's questions, we refer to the latest information including:
- The Council's letter to the Inspector dated 10th October 2018;
  - The revised Sustainability Assessment dated July 2018, which has not been subject to any consultation; and
  - The Council's latest Housing Land Availability Schedule (HLAS) which was published in September 2018 with a base date of 30th June 2018. Whilst the HLAS claims that the Council can demonstrate a supply in excess of 5 years (5.3 years) at 30th June 2018, the Council has since conceded in its letter to the Inspector that these claims are unfounded and it cannot demonstrate a five year supply of housing land.
- 1.6 Pegasus Group along with our client Hallam, as confirmed by the Programme Officer, will be attending the November 2018 hearings.

### ***Hallam's Land Interest***

- 1.7 Hallam have land interests to the north of the existing railway line in Langho, as shown in the red below, referred to by the Council as 'Land of Longsight Road'. Hallam have been promoting Langho

as a sustainable location since the Examination In Public in January 2014 and this site in particular (see **Appendix 1** for the range of services and facilities available in close proximity to the site).



**Figure 1: HLM's Land Ownership at Langho**

#### **Committed Development (Phase 1)**

- 1.8 The part of the site shown tinted pink, comprising 5.4 Ha and previously referred to as Phase 1, after Hallam obtained outline permission for 18 units and undertook an extensive marketing process, a sale was agreed with Pringle Homes and a Reserved Matters consent was granted on 7th August 2018, under permission 3/2018/0392. Pringle Homes have recently submitted an additional Reserved Matters application (reference: 3/2018/0844) to develop this site for 42 dwellings which was registered in September 2018 and is currently in the process of being determined.
- 1.9 This provides further justification for including this wider site in the proposed settlement boundary extension for Langho, which the Council have proposed throughout the HED DPD process.

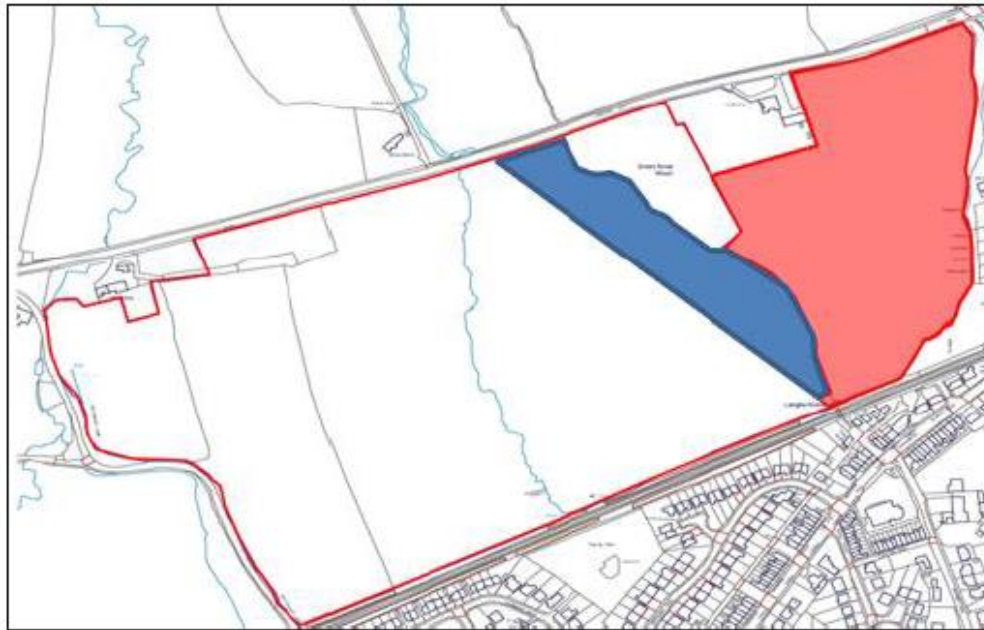
#### **Wider Site Promotion (Phases 2 to 4)**

- 1.10 An initial phased masterplan was drawn up for the whole of the site, which originally demonstrated that the site could come forward in 4 distinct phases as shown in Figure 2. As can be seen from the masterplan, the remainder of the land edged red, comprising 20.57 Ha and previously referred to as Phases 2-4 has been promoted for allocation through the HED DPD process (referred to as 'Land off Longsight Road (2)' by the Council), and previous representations have confirmed that the site is available; is in a suitable and sustainable location; with delivery achievable in the first 5 years.



**Figure 2: Initial Phased Masterplan for the site**

- 1.11 The site was discounted at the Regulation 19 stage on the basis that the Council 'do not require land for residential development in this settlement, as stated in the Council's 'Approach to Plan Preparation' document (April 2017) which provided additional explanatory information which informed the publication version of the HED DPD. Similarly, the site has not been selected as part of the current additional allocations consultation, presumably on the basis that it does not meet the site selection criteria, albeit no supporting justification is provided to clarify this.
- 1.12 In our previous representations, the land shown tinted blue on the plan at Figure 3 (a smaller phase 2 than Figure 1 ) was put forward as offering a potential smaller phase which could sit within the wider phase 2 site which was originally promoted, as a prospective opportunity meeting the councils criteria as set out in their Special Planning and Development Committee on 17th July 2018 for consideration as an allocation in the HED process.
- 1.13 It has always been our opinion that the whole of the site can be subdivided and brought forward in a phased and appropriate manner, and that the site is located in a highly sustainable location, has access to both road and a rail infrastructure, and is in walking distance to a range of services and schools within the immediate vicinity. The site in its entirety is suitable, available and deliverable for the future housing needs of Ribble Valley and the wider site should be allocated as part of the HED DPD. Moreover, contained within our representations into the additional sites consultation, a supporting marketing statement was submitted which demonstrates the interest from a range of small and medium national housebuilders in this location and at this site.



**Figure 3: Plan to show the smaller phases which have previously been promoted**

- 1.14 As the phasing plan (Figure 2) shows, the wider site could provide up to 400 units, and 'phase 2' on its own could deliver up to 120 units, with significant benefits in its own right to the wider community such as car parking around the train station (as there is no current provision), significant public open spaces, provision of homes for the elderly, and affordable housing.
- 1.15 The site is controlled by a well-respected, reputable strategic land company (Hallam) who have an impeccable track record in bringing forward housing sites for development across the country, and as can be demonstrated locally on phase 1. Phase 2 is also capable of delivering houses on the site within the next 3 – 5 years with known interest from a wide variety of builders. Therefore it remains our strong view that the whole site is suitable for allocation within the current process.

**Langho – a sustainable settlement to accommodate growth**

- 1.16 Langho is a highly sustainable settlement, with all the necessary services and infrastructure to support unconstrained development, including a train station which provides regular services to Clitheroe, Whalley, Blackburn and Manchester. The site is suitably located within and adjacent to the settlement and is directly next to the train station and other services. It can also be brought forward in a logical phased manner, with range a of densities.
- 1.17 It is important to note that despite being a highly sustainable and relatively large settlement in the Borough, Langho was only allocated a very small proportion of growth in the Core Strategy, namely a residual requirement of 21 no. dwellings. This requirement has since been met through the delivery of 3 units, and Phase 1 of the subject site in July 2015. As noted above, an additional application has been submitted on this site for 43 dwellings which is currently in the process of being determined. It remains our strong view that this settlement is suitable and capable of delivering additional dwellings to accommodate the housing need of the borough.

1.18 One key sustainability benefit of Langho is its access to the railway network, which is a particularly important benefit in the context of Ribble Valley as there are only 4 stations within the borough (Clitheroe, Langho, Whalley and Wilpshire).

1.19 The Revised NPPF confirms at paragraph 102 that:

*'Transport issues should be considered from the earliest stages of plan-making and development proposals so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued;'*

1.20 In short, the existing public transport network running through any authority area should be one of the principal, early considerations in plan making and represent a key sustainability criteria in determining where new development should be targeted so as to ensure any Local Plan embodies the principles of sustainable development.

1.21 Paragraph 103 goes further and confirms the following:

*'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.'*

1.22 It would therefore be reasonable to assume that the location of development in sustainable locations adjacent to public transport facilities, goes as far as influencing public health, which we would argue is not only a critical planning policy issue but also a legal and public health and well-being requirement which cannot be ignored.

1.23 Paragraphs 122c, 123a also reconfirm that Local Authorities should even consider the use of higher densities of development around and at locations that are accessible by public transport modes, which again emphasises the need to focus development around such facilities as a priority.

1.24 It is notable that this plan will be considered under the former NPPF rather than the Revised NPPF given the transition arrangements. However, the Revised NPPF is not too dissimilar to that in the former NPPF, which confirms the following at paragraph 17, where one of the 12 Core Planning principles related to decision making and plan-making states LPA's should:

*'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;'*

1.25 Paragraph 30 of the former NPPF also confirms the following:

*'Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should*

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*therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.'*

- 1.26 It is critical to note that the Longsight Road site in Langho is the only one of 33 that have been considered within the HED DPD process, that has immediate, direct access to a train station, with the other sites in the 4 relevant settlements ranging from 600 – 1.6km away from a train station. In light of this, we do not consider the principles of paragraph 102 have been followed.
- 1.27 As such, the Longsight Road site clearly represents a unique development opportunity in the context of the former and revised NPPF and its support for development close to sustainable transport modes to facilitate a range of benefits, including public health considerations.
- 1.28 In addition to the train station, Langho has a large population relative to a number of other rural settlements. Indeed, after the populations of Clitheroe (c.15,000) and Longridge (c.7,000), it is the 5th largest in the borough.
- 1.29 The inclusion of a dedicated car park adjacent to the train station, as suggested above, would undoubtedly increase use and patronage of the train station, which currently has no customer parking facilities. This would not only benefit other residents in Langho but also those located in more rural areas who may wish to utilise local train services but cannot practically do so at present.



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## **2. ISSUE 1 – LEGAL COMPLIANCE**

### ***Conformity with the NPPF***

- 2.2 For the avoidance of doubt, the Council has not indicated that it is choosing to confirm its five year housing land supply through the examination of the HED DPD under paragraph 74 of the revised NPPF and associated guidance contained within paragraph 3-049 of the PPG: “How can local authorities demonstrate that they have a confirmed 5 year land supply as part of the plan examination?”.
- 2.3 We note that the Council has asked in its letter to the Inspector dated 10th October 2018 for confirmation as to whether housing land supply matters will be tested through the examination against the 2012 NPPF or the revised 2018 NPPF.
- 2.4 Our understanding is that under the transitional arrangements set out in Annex 1 of the revised 2018 NPPF, the HED DPD will be examined under the policies set out in the previous 2012 NPPF. This will include the examination of the Council’s housing land supply. This is relevant because it affects the consideration of which buffer applies (5% or 20%) and also the deliverable supply.
- 2.5 However whether the previous or revised NPPF applies, the Council cannot demonstrate a five year supply of housing land by a significant margin and therefore additional deliverable sites, such as our client’s site are required.

### ***Sustainability Appraisal***

- 2.6 Alongside the consultation on the proposed additional sites, the Council published updates to the Sustainability Appraisal and Habitats Regulations Assessment. However, the Council’s website states: “please note that the SA is not for consultation response”.
- 2.7 Our client requests the opportunity to comment on the SA and seeks confirmation from the Inspector as to when this will be allowed.

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### 3. ISSUE 2 – HOUSING

#### ***A) Is the amount of land allocated for housing sufficient to meet the CS requirement?***

- 3.2 No. Additional sites should be allocated through the HED DPD to ensure that the housing requirement over the plan period to 2028 is met.
- 3.3 The Core Strategy sets out a **minimum** housing requirement of 5,600 dwellings to be delivered between 2008 and 2028. In the first 10.25 years of the plan period however, only 2,277 dwellings were delivered against a requirement over the same period of 2,869 dwellings. This leaves a minimum of 3,323 dwellings to be delivered in the remaining 9.75 years of the plan period (i.e. an annual average of 341 dwellings in each and every one of the monitoring years to 2028).
- 3.4 The table on page 12 of the latest published Housing Land Availability Survey (HLAS) shows that at 30<sup>th</sup> June 2018 there were planning permissions for 3,970 dwellings. This would mean a flexibility of around 19% above the residual minimum requirement of 3,323 dwellings. However, not all of these 3,970 dwellings will be delivered in the plan period for the following reasons.
- 3.5 Firstly, not all of the sites with planning permission where construction has not started will be delivered in the plan period. Indeed, the HLAS applies a 10% slippage rate to these sites
- 3.6 Secondly, the Standen strategic site will plainly not deliver in full in the plan period. The Standen strategic site is allocated for 1,040 dwellings in the plan period 2008 to 2028. According to the Core Strategy (pages 178 and 179), it was due to start delivering dwellings in 2016/17 at a rate of 100 dwellings per year. That did not happen. At 31st March 2018, it had still not delivered any dwellings but was reported as being “under construction”. At 30th June 2018, only 9 no. dwellings had been recorded as completed. Taylor Wimpey is in the process of constructing the first phase of the development called “Half Penny Meadows”.
- 3.7 Each time the HLAS has been published since April 2014, the Council has claimed between 165 and 300 dwellings would be delivered in the respective five year period. That position is pushed back in every HLAS. Indeed the Inspector will recall that in the previous HLAS (base date 30th September 2017), which was the latest HLAS at the time the hearing sessions were originally due to be considered, 200 dwellings were expected to be delivered between 1st October 2017 to 30th September 2022.
- 3.8 The current HLAS considers that this site will deliver 190 dwellings in the five year period from 1<sup>st</sup> July 2018 to 30<sup>th</sup> June 2023. Our view is that based on the average build rates experienced elsewhere in Clitheroe of 30 dwellings per annum, 150 dwellings should be considered to be deliverable over the same period. It is unclear whether the Council has reduced the assumed build rate at this site or not because the 4.9 year supply it now claims it can demonstrate has not been evidenced anywhere. However, even if the HLAS was correct, it would leave the remaining 841 dwellings to be delivered over the remaining 4.75 years of the plan period. This would mean a completely unrealistic build rate of 177 dwellings per annum, far in excess of even the 100 dwellings

per annum suggested in the Core Strategy. There is no firm evidence that there would be more than one developer at the site.

3.9 Furthermore, there is no evidence at all that the site will deliver 100 dwellings per annum. In particular, we have seen no market evidence at all to substantiate this unevidenced and implausible delivery rate. Applying the Council's build rate of 40 dwellings per year, the site would take 26 years to complete and would only deliver 400 dwellings in the plan period. This would leave 640 dwellings to be completed beyond the plan period. This in our view ought to be picked up in the HED DPD but does not appear to be and comprises another reason to warrant the release of other deliverable sites, such as our client's site.

### ***Affordable Housing***

3.10 In addition to the above, there is a pressing need for new affordable housing in Ribble Valley.

- The Strategic Housing Market Assessment (SHMA, December 2008) concluded that the net annual housing need of social rented dwellings was 264 dwellings per annum;
- The Council's "Addressing Housing Need in Ribble Valley" (June 2011) confirmed that Ribble Valley has the lowest provision of social housing in the North West with 0.7% of the total stock being social rented units;
- The 2013 SHMA updated the 2008 SHMA and took account of the guidance in the Planning Practice Guidance. It concluded that there was a net annual need of 404 affordable dwellings in Ribble Valley for the first five years; and
- The Core Strategy Inspector took into account a recalculation based on a higher percentage (35%) of income spent on housing than the SHMA did (25%), this would reduce the net annual need to 268 affordable homes. The Inspector also took into account 154 households living in private rented accommodation, but still found the scale of need to be 114 dwellings per year for the first 5 years.

3.11 Notwithstanding the above, the Core Strategy monitors affordable housing against a housing target of 75 units per year.

3.12 The latest HLAS confirms that there have been just 626 affordable dwellings delivered between 1<sup>st</sup> April 2008 and 30<sup>th</sup> June 2018, which is only 23% when compared to the need of 2,680 over the same period (i.e. 10 years X 268). This results in a shortfall of 2,054 affordable homes. The number of affordable dwellings completed has therefore been significantly below the needs identified.

3.13 Even against the annual target of 75 dwellings, the target over the first 10.25 years would collectively be 769 affordable homes and therefore the shortfall would be 143 affordable homes.

3.14 The Core Strategy requirement to 2028 will not be met unless additional sites are approved and/or further sites are allocated in the HED DPD.

**C) Will the distribution, capacity and speed of deliverability (with regards to viability and infrastructure) of the sites, including those allocated in the DPD and the Standen strategy site, satisfy the provision of a 5 year housing land supply.**

- 3.15 No. It is our view that based on the updated evidence, the Council cannot demonstrate a five year housing land supply (5YHLS) for the reasons provided below.
- 3.16 As the Inspector is aware, the submitted version of the HED DPD only proposed to allocate two sites in Mellor and Wilpshire on the basis that the Council claimed at that time that these are the only settlements where there is an outstanding requirement for housing once completions and extant permissions have been taken into account.
- 3.17 The reasons for the Additional Housing Allocations Consultation, in September 2018, stems from the appeal decision at Higher Road, Longridge (Ref: APP/T2350/W/17/3186969) dated 22<sup>nd</sup> May 2018 which allowed residential development for up to 123 units (see **Appendix 2**). The appeal was considered within the context of the 2012 NPPF.
- 3.18 Within this decision the Inspector concluded that Ribble Valley could not demonstrate a 5 year supply, on the basis that the 20% buffer was applicable rather than the 5% that the Council claimed, due to historic under delivery over a 10 year period. The Inspector also went through the Council's claimed delivery rates on large sites in detail, and applied some deductions, suggesting a final figure of 4.5 years (using a base date of 30th September 2017).
- 3.19 This decision then informed the Council's Housing Land Availability Schedule (April 2018 HLAS) which had a base date of 31st March 2018 and was issued in July 2018. This concluded that the Council could demonstrate a 4.7 year supply with the 20% buffer.
- 3.20 As such, Officers acknowledged that they would be vulnerable taking a plan to examination without meeting a 5 year supply with the full 20% buffer and sought to identify additional allocations to address this shortfall, and this position is set out in detail in a paper entitled 'Housing Land Availability' which formed agenda item 4 at the Special Planning and Development Committee on 17th July 2018.
- 3.21 The Council concluded, in order to demonstrate a 5YHLS, 165 dwellings would need to be allocated in order for it to do so. The document specifically stated;
- 'At least 165 units are needed for the Authority to be able to clearly demonstrate a 5 year supply and provide a stable and robust position against which planning decisions can be made'.*
- 3.22 The Chief Executive's report to the Planning and Development Committee in advance of the meeting on the 17<sup>th</sup> July 2018 stated the following:
- 'Whilst the Council can demonstrate a five year supply with a 5% buffer, it cannot do so when a 20% buffer is applied. Therefore to address this urgent issue further housing land allocations will need to be considered'.*

- 3.23 The sites consulted on were selected based on whether or not the Council considered that they could be considered deliverable (under the 2012 NPPF) and therefore contribute to the five year supply. The report to the Planning and Development Committee specifically states;
- "Sites that were too large to deliver within five years were discounted (based on a calculation of approx. 30 dwellings per hectare) as **the need for additional allocations follows directly from a current inability to satisfy the five year requirement.** This pragmatically selects sites that could reasonably be considered to deliver units within five years of planning permission/allocation and also aligns with recent proposed draft government national planning policy changes to deliberately favour smaller development sites. Pragmatically it is considered that the maximum site size that would pass the above test is one that would deliver 100 units. Therefore sites that were above this level were also discounted."* (our emphasis).
- 3.24 The Sustainability Appraisal (SA) confirmed that only 16 sites were considered by the Council as part of the Additional Sites consultation.
- 3.25 Excluding sites that are too large to be fully built out within 5 years is completely illogical and counterintuitive, as such sites could still make a strong contribution to delivery within the first 5 years, even if they continue beyond that, and whilst it is accepted that these additional allocations are being sought to plug a specific five year supply shortfall, housing requirements are a minimum, and therefore additional delivery beyond 5 years should be welcomed not penalised.
- 3.26 In addition, the method for calculating how large sites would deliver is poorly justified (it claims it is 'based on calculation of approx. 30 dwellings per hectare') and needs clarification, as this will almost certainly lead to sites being excluded that could make a substantial contribution within 5 years.
- 3.27 This criteria seems to be justified on the basis that the then draft revised NPPF deliberately favours smaller development sites, and there was discussion at the Committee meeting of the 20% small sites requirement (on sites less than 1 hectare). However, it is worth noting that the adopted **Revised NPPF only actually includes a 10% requirement for small sites at paragraph 68; whilst just 4 paragraphs later the document highlights the importance of larger scale development, and as such does not deliberately favour small developments, but rather supports a mix of site types and sizes to ensure flexibility and choice in the market.**
- 3.28 Furthermore, Ribble Valley's existing supply is already dominated by sites of less than a hectare, which constitute a substantial 92.3% (204 of 221) of the sites included within the June 2018 HLAS. As such, the 10% requirement has been significantly exceeded and actually suggests that Ribble Valley should be allocating larger sites to provide more balanced provision of sites to attract a wider profile of respective housing developers.

- 3.29 Another issue with this is that it might exclude large sustainable sites, which could be subdivided and brought forward in smaller phases. This is certainly the case at Longsight Road, Langho, where the full site has been promoted for approximately 400 units in total.
- 3.30 When selecting additional housing sites, the Council should have:
- Undertaken a new “call for sites” as set out in paragraph 3-013 of the PPG;
  - Updated the SHLAA. As the Council itself recognises, the SHLAA is now 5 years old and should be updated in accordance with paragraph 159 of the previous NPPF and paragraph 3-045 of the previous version of the PPG; and only then
  - Consider the sites in the revised SHLAA to determine which allocations would result in the most appropriate strategy when compared to all of the reasonable alternatives.
- 3.31 In the absence of a call for sites and / or inviting other sites to be promoted through the current consultation, the plan cannot be found sound. It would not be justified as the Council cannot demonstrate that the plan is the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence, as it is required to do under paragraph 182 of the NPPF
- 3.32 Out of the 16 sites considered by the Council, five sites were selected to assist the Council in delivering a five year supply of housing plus a 20% buffer;
- Site 15 – Chatburn Road, Clitheroe (40 dwellings);
  - Site Devpr3 – Land off Hawthorne Place (40 dwellings);
  - Langho Site 1 – South of Laycocks Farm, Langho (10 dwellings);
  - Site 24 - Haugh Head, Whins Lane, Read and Simonstone (30 dwellings); and
  - Site 13 – Highmoor Farm (100 dwellings).
- 3.33 It is unclear how the allocations would assist in delivering the Council’s five year supply and the deliverability of these sites is questionable. The Council has not provided any robust, up to date evidence to support the deliverability of these sites as required by paragraph 3-031 of the previous PPG. The only information that the Council appears to have obtained is that the respective landowners are content for their sites to be allocated for housing. None of the sites have planning permission or even a planning application pending determination so it is unclear whether any site specific issues can be overcome.
- 3.34 Whilst the Council’s housing land supply is to be considered under the previous NPPF, it is of note that Annex 2 of the revised NPPF 2018 states to be considered deliverable;
- ‘Sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five*

*years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). **Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years**’. (our emphasis).*

- 3.35 Where the Council is unable to provide clear evidence of housing delivery, those sites should be excluded from the five year supply of housing. In respect of the five allocations proposed, whilst all of these have been put forward for development in earlier rounds of the HED DPD process, we haven’t seen any up to date evidence on their deliverability. Indeed, it is worth noting that site 1 in Langho was actually put forward for employment uses within the Regulation 19 consultation, and we have not seen any further submissions to support the residential allocation, and as such this position needs clarified.
- 3.36 We would also reiterate that our client’s site at Longsight Road should be included for allocation as it has been demonstrated that the site is deliverable, as it is:
- **Available** - with a willing landowner with a track record of selling on an earlier, permitted phase of the site to Pringle Homes;
  - **Suitable** - in a sustainable location adjacent to the train station and other services in Langho, with no environmental or technical constraints to prevent its development, and reinforced by the fact that the settlement is regarded the 4th most sustainable in the Borough after the much larger towns of Clitheroe, Longridge and Whalley; and
  - **Achievable** – the site is economically viable and in a strong market location.
- 3.37 It is worth noting that even if the above 5 sites were allocated, the Council would still need to provide ‘clear evidence’ that completions will begin within five years. Notwithstanding this, regardless as to whether or not allocating new sites would assist the Council in achieving a five year supply of housing land, for the reasons set out in response to issue a) above additional sites should be allocated through the HED DPD to ensure that the housing requirement over the plan period to 2028 is met.

**Five Year Housing Land Supply (5YHLS)**

- 3.38 From the outset, the breakdown of the Council’s supply is completely unclear. We note from the Council’s letter dated 10<sup>th</sup> October 2018, that the Council’s current position is that it claims that it can demonstrate a 4.9 year supply at 30<sup>th</sup> June 2018. However, this position has not been evidenced anywhere.
- 3.39 The Inspector will note that the HLAS that accompanies the Council’s letter claims that the five year supply at 30<sup>th</sup> June 2018 is 2,235 dwellings, which equates to 5.35 years. The difference between 5.35 years and 4.9 years would equate to around 150 dwellings. However, it is unclear as to which sites the Council no longer considers are deliverable to explain why the supply has reduced from 5.35 years to 4.9 years.
- 3.40 Whilst it is not clear in the Council’s letter of 10<sup>th</sup> October 2018, we note from recent reports to the Planning Committee on 1<sup>st</sup> November 2018 that the 4.9 years is based on a 5% buffer. If the 20% buffer applied, the supply would reduce to around 4.36 years. This is shown in the following table:

	<b>Requirement</b>	<b>5% Buffer</b>	<b>20% Buffer</b>
A	Local Plan housing requirement (1 <sup>st</sup> April 2008 to 31 <sup>st</sup> March 2028)	5,600	5,600
B	Annualised net Local Plan housing requirement (5,600 / 20 years)	280	280
C	Five year net Local Plan housing requirement	1,400	1,400
D	Net housing shortfall 1 <sup>st</sup> April 2008 to 30 <sup>th</sup> June 2018 (2,869 requirement – 2,277 completions)	592	592
E	Five year requirement including backlog (C + D)	1,992	1,992
F	Buffer	100	398
G	Total supply to be demonstrated (E + F)	2,092	2,390
H	Annual average (G / 5)	418	478
	<b>Supply</b>		
I	Assumed claimed five year supply from 1 <sup>st</sup> July 2018 (2,235 – 150 dwellings)	2,085	2,085
J	Claimed five year supply (I / J)	4.9	4.36
K	Shortfall (G – I)	7	305

**Table 1: Ribble Valley’s Claimed Five Year Supply at 1<sup>st</sup> July 2018 with a 5% and 20% buffer**

- 3.41 It is surprising that the Council’s claimed position relies on a 5% buffer given that the purpose of identifying the five additional potential sites to be allocated was so that the Council could demonstrate a five year supply plus a 20% buffer as we have discussed above.
- 3.42 Nevertheless, we consider that the 20% buffer applies for the reasons stated below.
- 3.43 The HED DPD was submitted in July 2017. Paragraph 214 of the revised NPPF explains that the policies in the previous NPPF will apply for the purposes of examining plans submitted on or before 24<sup>th</sup> January 2019. Regardless as to the outcome of the Housing Delivery Test in November 2018,



the HED DPD Inspector will therefore need to determine which buffer applies based on the previous NPPF and PPG.

- 3.44 Paragraph 47 of the previous NPPF explained that the 5% buffer should be increased to 20% where there has been a record of persistent under delivery.
- 3.45 Paragraph 035 (Reference ID: 3-035-20140306) of the PPG: “How should local planning authorities deal with past under supply?” states:
- 3.46 “The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.
- 3.47 The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term. It is legitimate to consider a range of issues, such as the effect of imposed housing moratoriums and the delivery rate before and after any such moratoriums.
- 3.48 The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.”
- 3.49 Consequently, the test set out in the previous NPPF is the planning judgment informed by all of the circumstances as to whether or not there has been persistent under delivery. As set out in the following table, despite achieving over 280 dwellings in the last 4.25 years, in each and every one of the six previous years (i.e. 2008/09 to 2013/14), the Council under delivered against the annual housing requirement by a significant margin. In summary, completions have only exceeded the requirement in 4 years in the last 10 years. This has resulted in a huge shortfall of 592 dwellings, which equates to over 2 years of unmet need (i.e.  $592 / 280 = 2.11$  years):

Year	Requirement (dwellings p.a.)	Completions (net)	Over / under provision	Cumulative
2008/09	280	75	-205	-205
2009/10	280	89	-191	-396
2010/11	280	69	-211	-607
2011/12	280	147	-133	-740
2012/13	280	172	-108	-848
2013/14	280	183	-97	-945
2014/15	280	345	65	-880
2015/16	280	300	20	-860
2016/17	280	390	110	-750
2017/18	280	400	120	-630
01/04/18 – 30/06/18	69	107	38	-592
<b>Total</b>	<b>2,869</b>	<b>2,277</b>	<b>-592</b>	
<b>Average</b>	<b>280</b>	<b>217</b>		

**Table 2: Net Housing Completions in Ribble Valley 01/04/2018 to 31/03/2018**

3.50 As the guidance in the previous PPG set out above indicates, a longer term view needs to be taken by the decision maker to take into account the peaks and troughs of the housing market cycle. Taking into account the ‘peaks’ over the last 4.25 years and the ‘troughs’ of the first 6 years of the plan period, there is still a substantial backlog of 592 dwellings. There has clearly been persistent under delivery in Ribble Valley and the 20% buffer should apply.

3.51 Looking back further than the 10 years since the start of the Core Strategy period as the PPG suggests should be done, prior to the Core Strategy, the relevant housing requirement was set out in the North West Regional Spatial Strategy. This set out a housing requirement of 2,900 dwellings between 2003 and 2021 meaning an annual average of 161 dwellings (i.e. 2,900 / 18 years). It was revoked in May 2013. Whilst the annual RSS requirement was 60% of the annual Core Strategy requirement, the Council persistently under delivered against the RSS requirement and by the time it was revoked, there was a shortfall of 260 dwellings. This is set out in the following table.

Year	RSS Requirement (dwellings p.a.)	Completions (net)	Over / under provision	Cumulative over / under provision
2003/04	161	287	126	126
2004/05	161	204	43	169
2005/06	161	165	4	173
2006/07	161	83	-78	95
2007/08	161	59	-102	-7
2008/09	161	75	-86	-93
2009/10	161	89	-72	-165
2010/11	161	69	-92	-257
2011/12	161	147	-14	-271
2012/13	161	172	11	-260
<b>Total</b>	<b>1,610</b>	<b>1,350</b>	<b>-260</b>	
<b>Average</b>	<b>161</b>	<b>135</b>		

**Table 3: Completions against the RSS requirement from the base date in 2003 to 2013**

3.52 There have been two recent appeal decisions that have considered which buffer should apply in Ribble Valley against the previous NPPF. The first relates to land at lower Standen Farm, Whalley Road, Pendleton<sup>1</sup>. The appeal was dismissed on 25<sup>th</sup> October 2017. However, in the appeal decision, the Inspector robustly rejected the Council’s “premature” adoption of the Housing Delivery Test and concluded that there has been persistent under delivery in Ribble Valley. Paragraphs 17 and 18 of the appeal decision state:

*"17. The Council has indicated that it has a 5.73-year HLS which is based on information from April 2017 which is materially different from the position at determination which was based on information from September 2016. Despite this fact, the appellants maintain that a deliverable 5-year HLS is not present. This is because they contend that a 5% buffer should not have been applied and that the available housing land supply has also been overestimated.*

<sup>1</sup> PINS ref: APP/T2350/W/17/3174924 – Appendix 3

*18. Turning to the first matter, the Council has justified the use of a 5% buffer through the application of a 'housing delivery test', as set out in a recent Government White Paper. This suggests that a 20% buffer should not apply where completions over the last three years of a monitoring period exceed the annualised requirement, as set out in a development plan. Whilst clearly signalling Government intent, I find the adoption of this approach premature at the current time because it is based on a consultation document that could be subject to change despite the fact that the approach was due for implementation by November 2017. In any event, I note that the Council has used an unadjusted annualised requirement of 280 houses which has failed to account for a backlog of 750 houses which gives a higher annualised requirement of 430. Under such circumstances, it is clear that the Council has failed to meet its annual targets since the beginning of the plan period. As such, I am satisfied that a persistent record of under-delivery is present." (our emphasis)*

- 3.53 It is relevant to note that this appeal decision pre-dated the publication of the previous HLAS (on 30<sup>th</sup> November 2017) and yet in that document the Council continued to maintain within the HLAS that a 5% buffer should be applied.
- 3.54 The second appeal decision related to an appeal made by VH Land Partnership against the decision of the Council to refuse to grant outline planning permission for a residential development of up to 123 houses at land at Higher Road, Longridge<sup>2</sup>. In allowing the appeal, Inspector Wildgoose concluded that the Council could not demonstrate a deliverable five year supply. Paragraphs 17 and 18 of the appeal decision set out the Inspector's conclusions in relation to the buffer as follows:

*"17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing delivery test' set out in a Government White Paper that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham and Lower Standen Hey Farm, Clitheroe where Inspectors considered the application of methodologies subject to consultation to be premature.*

*18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery*

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<sup>2</sup> PINS ref: APP/T2350/W/17/3186969 – Appendix 2

*rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1. I, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.” (our emphasis)*

- 3.55 Both of these recent appeal decisions refer to the need to address the significant shortfall, which has resulted in a higher annualised requirement than the 280 dwelling “base requirement”. On this basis, under the previous NPPF, the 20% buffer clearly applies and it is surprising that the Council seeks to maintain that a 5% buffer applies.
- 3.56 Even if the revised NPPF applied to the examination of the HED DPD, we maintain that a 20% buffer would apply, because the Housing Delivery Test (HDT) has not been introduced and therefore whether there has been a significant under delivery of housing over the previous three years in accordance with paragraph 73(c) of the revised NPPF will be a matter for the decision maker to determine.
- 3.57 As set out above, the annual housing requirement in Ribble Valley is 280 dwellings per annum between 2008 and 2028 (i.e. 5,600 / 20 years). However, because of the serious under delivery in the first 6 years of the plan period, there is a significant backlog in housing. At 1<sup>st</sup> April 2015, the backlog equated to 880 dwellings, which the Council’s HLAS at that time explained would be addressed in full in the five year period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2020. This meant that the actual annualised requirement the Council should have achieved from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2020 was 456 dwellings per annum. Over three years to 31<sup>st</sup> March 2018, 1,368 dwellings should have been completed (i.e. 456 X 3 years). However, in reality only 1,098 dwellings were completed in those three years from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2018, which equates to 79% of the requirement over the same period. This is set out in the following table.

A	Annual requirement	280
B	Backlog at 01/04/15	880
C	Amount of backlog to be addressed in each year from 01/04/15 (i.e. B / 5 years)	176
D	Revised annual requirement including backlog (A + C)	456
E	Three year requirement from 01/04/14 (D X 3 years)	1,368
F	Completions 2015 – 2018 (300 + 390 + 400)	1,098
G	Percentage of completions compared to requirement	79%

**Table 4: Housing Delivery in Ribble Valley against the requirement including backlog 2015 to 2018**

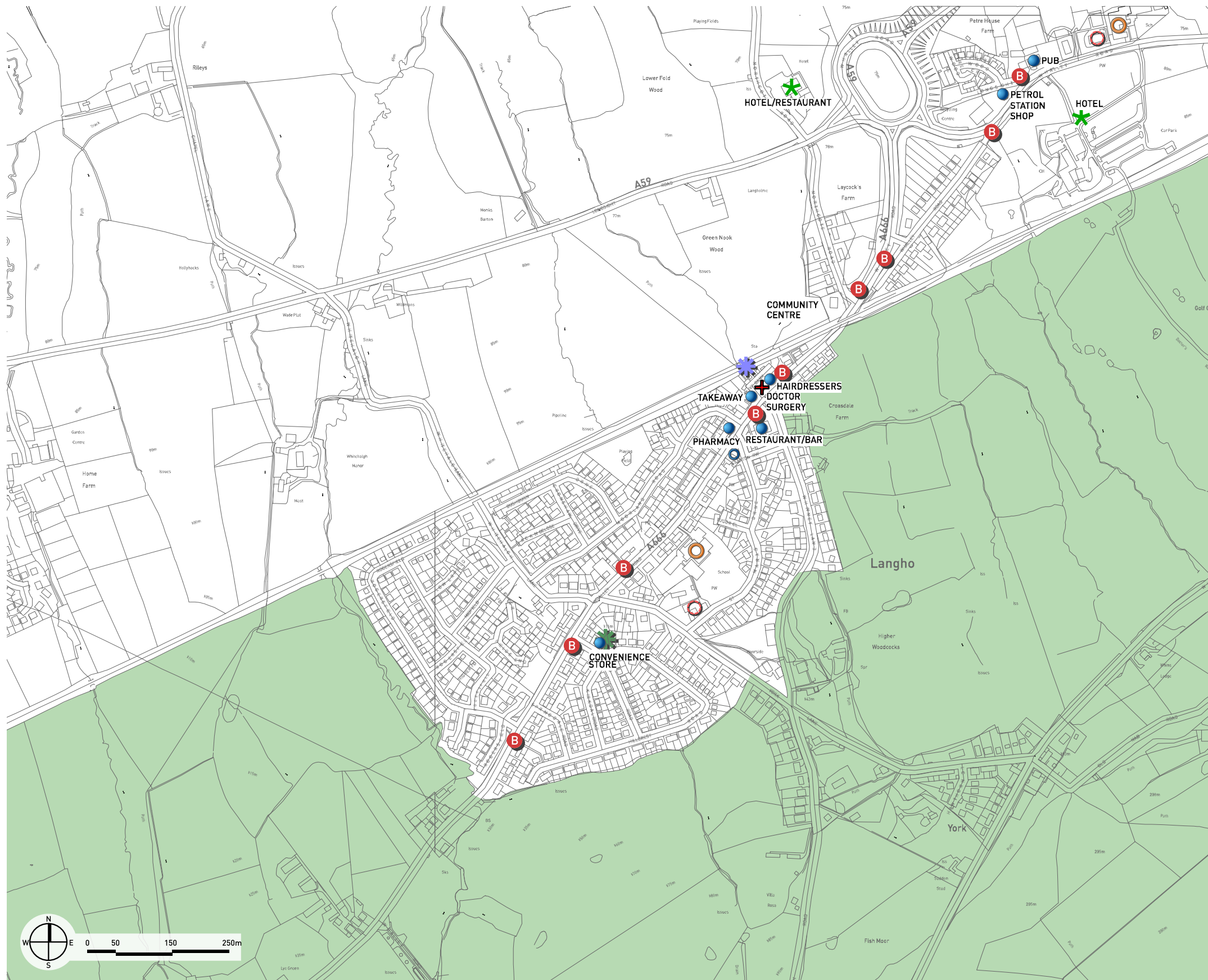
- 3.58 There has therefore been significant under delivery of housing over the previous three years (having regard to the backlog) and therefore the 20% buffer should apply to improve the prospect of achieving the planned supply.
- 3.59 As set out in table 4 above, this means that the supply even on the Council’s figures is 4.36 years and at least 305 dwellings would be required.
- 3.60 In terms of the deliverable supply, as above, we are unable to comment on this until the Council publishes a schedule of sites to support the 4.9 year supply it claims should be considered deliverable. However, we have assessed the Council’s supply as set out in the latest HLAS.
- 3.61 From reviewing the sites with outline permission, many of the sites show no clear evidence of delivering within 5 years and therefore these sites (sites 1 to 6 in the table below) should be removed from the five year supply. As well as this, the two allocations (50 dwellings) which were submitted to the SoS in July 2017, namely HAL1- Land of Mellor Lane and HAL2- Land at Wilpshire should be removed from the Council’s 5YHLS as, even if the allocations are found sound by the Inspector, and the HED DPD is adopted, the Council has not provided any clear evidence to demonstrate that these sites should be considered deliverable and therefore they should be removed the Council’s supply. The lead-in time and build rates should be amended at two other sites (sites 7 and 8 in the table below) to reflect experiences elsewhere in the Borough.
- 3.62 A reduction in the windfall allowance is also considered appropriate. It is accepted that small windfall sites will come forward in the five year period, however, it is considered that an allowance should only be applied in years 4 and 5 of the five year period to avoid double counting. The reason for this is because the Council already includes small sites within its supply with planning permission at the base date, which would have been on windfall sites. In summary, we make the following deductions:











Site ref:	Address	Developer	No. of dwellings in the five year period		
			Council	Appellant	Difference
01	Old Row, Whalley Road, Barrow	-	21	0	-21
02	Land at Henthorn Road	-	22	0	-22
03	Land off Pimlico Link Road	-	17	0	-17
04	Land at Chipping Lane	Barratt	135	118	-17
05	74 Higher Road	-	90	0	-90
06	Lawsonsteads	-	75	0	-75
07	Land west of Preston Road, Longridge	Kier	135	105	-30
08	Land at Higher Standen Farm, Clitheroe	Taylor Wimpey	190	150	-40
	HED DPD Draft Allocations	-	50	0	-50
	Small sites windfall allowance	-	78	52	-26
	<b>Total</b>				<b>-388</b>

**Table 5: Deductions from the five year supply**

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- 3.63 We therefore consider the Council’s deliverable five year supply equates to 1,847 dwellings (i.e. 2,235 – 388). Against a five year requirement plus 20% buffer, this would mean that a 3.86 year supply can be demonstrated and that 543 additional dwellings are required.
- 3.64 In summary, in response to the questions posed by the Inspector, insufficient land has been identified to accommodate the housing need in the borough. The distribution, capacity and speed of deliverability of sites will not satisfy the provision of a 5YHLS and therefore we respectfully recommend that additional suitable, deliverable and achievable sites such as our client’s site are allocated. As well as satisfying the 5YHLS, additional sites are required to ensure that the housing need can be addressed by the end of the plan period (2028).

**APPENDIX 1: LANGHO SERVICES PLAN**



-  TRAIN STATION
-  PRIMARY SCHOOLS
-  MEDICAL
-  POST OFFICE
-  SHOPS / RESTAURANTS / PUBS
-  HOTEL
-  CHURCH / COMMUNITY CENTRE
-  BUS STOPS
-  CHILDREN'S DAY NURSERY
-  GREEN BELT

## Langho, Ribble Valley - Service Plan





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**APPENDIX 2: APPEAL DECISION – HIGHER LANE, LONGBRIDGE  
(APP/T2350/W/17/3186969)**



## Appeal Decision

Hearing held on 17 April 2018

Site visits made on 17 April 2018 and 18 April 2018

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 May 2018**

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**Appeal Ref: APP/T2350/W/17/3186969**

**Land at Higher Road, Longridge**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by VH Land Partnership against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2016/1082, dated 17 November 2016, was refused by notice dated 18 April 2017.
  - The development proposed is an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road.
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### Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for residential development for up to 123 houses; demolition of an existing house (74 Higher Road) and formation of access to Higher Road at Land at Higher Road, Longridge in accordance with the terms of the application, Ref 3/2016/1082, dated 17 November 2016, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The application was submitted in outline with all detailed matters other than means of access reserved for future approval. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on that basis. The masterplan and illustrative material submitted with the planning application in so far as it relates to those matters has been taken into account for indicative purposes.
3. A signed and dated planning obligation by unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of this appeal. It includes obligations relating to affordable housing, off site leisure provision, highway and transport works and education. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.

### Main Issue

4. The main issue is whether the development proposed would be consistent with the objectives of policies relating to the location and supply of housing.

## Reasons

### *Location and supply of housing*

5. The appeal site, except for No 74, is undeveloped land comprising a number of agricultural fields that lie adjacent to the edge of the built up area of Longridge, which includes the linear arrangement of houses adjoining the site that face Higher Road and Dilworth Lane. There is also a residential development immediately adjacent that is under construction which is accessed from Blackburn Road and also adjoins Dilworth Lane. The remaining site boundary adjoins Tan Yard Lane, a track and bridleway accessed from Blackburn Road with open fields and reservoirs immediately beyond. The submitted plans indicate that the development of up to 123 dwellings would include a new access from Higher Road which would utilise the land currently occupied by No 74 that is proposed to be demolished.
6. Key Statement DS1 of the Ribble Valley Borough Council Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley (CS), adopted December 2014, sets out the development strategy. It seeks to guide development to the most appropriate locations through the identification of groupings of settlements in a hierarchy based upon existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. In that context, Longridge is identified as one of three principal settlements which are the highest order settlements within the hierarchy where the majority of new housing development will be located.
7. The housing requirement set out in Key Statement H1 of the CS indicates that land for residential development will be made available to deliver 5,600 dwellings, estimated at an average annual completion target of at least 280 dwellings per year over the plan period. The supporting text to Key Statement DS1 at paragraph 4.11 and Appendix 2 of the CS include tables which identify the number of houses required for each settlement by 2028 to meet the housing requirement. The number to be delivered in Longridge is stated as 1,160 houses during the plan period, with a residual number of 633 houses remaining as at 31 March 2014<sup>1</sup> to meet that figure.
8. In seeking to deliver the above, the CS does not define an up-to-date settlement boundary for Longridge and Key Statement DS1 of the CS indicates that specific allocations will be made through the preparation of a separate allocations DPD. Consequently, the settlement boundaries currently utilised by the policies of the CS are those defined by the proposals map of the preceding Ribble Valley Districtwide Local Plan. During the Hearing it was confirmed by the parties that it is not a matter of dispute that the site is located outside of the existing settlement boundary of Longridge and therefore, lies within open countryside.
9. Policy DMG2 of the CS, indicates amongst other things, that development in the open countryside will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. In that regard, the

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<sup>1</sup> Takes account of completions/permissions granted up to 31 March 2014, plus a reappportionment of 200 houses to other settlements in Ribble Valley to reflect a planning permission granted near to Longridge for 200 units at Whittingham Lane within Preston Borough.

landscape sensitivity of the site and its surroundings is assessed as medium by a landscape visual impact assessment (LVIA) accompanying the application. To my mind that assessment in the LVIA appropriately reflects the higher sensitivity of the open countryside generally, but takes into account that the steeply sloped topography of the land is viewed against the backdrop of existing properties that face Higher Road and Dilworth Lane with the rural character at the edge of the built up area further eroded by development under construction immediately to the south. Although the site lies close to the boundaries of the Longridge Conservation Area and the Bowland Forest Area of Outstanding Natural Beauty, it has no influence on the special character and interest of those areas due to the presence of intervening built form and landscaping.

10. With regard to the above, the construction of dwellings on the site would result in built development on greenfield land that currently consists of largely open fields in agricultural use. However, it is evident that when taken together with the development under construction immediately to the south that there is some scope to absorb development adjoining the existing settlement boundary and provide a more robust boundary between the built up area and open countryside. In that context, both Key Statement DS1 and Policy DMG2 of the CS, when taken together, permit development proposals in the principal settlements, including Longridge, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built area. Nonetheless, although the site adjoins the principal settlement of Longridge it lies outside of it and therefore, does not meet the precise wording of either Key Statement DS1 or Policy DMG2 which require development proposals to be in the principal settlements and, therefore, it would result in a consequent loss of open countryside. In that respect, there is also conflict with Policy DMH3 of the CS that relates to dwellings in the open countryside and which seeks to limit residential development to a closed list of exceptions and criteria, which the proposed development would not meet.
11. In reaching the above findings, it is evident that the conflict with the above policies and the Development Strategy relates specifically to the existing designation of land as open countryside. Concerns have been expressed with respect to the oversupply of housing that would result from the development relative to the residual numbers for Longridge in paragraph 4.11 and Appendix 2 of the CS. However, I find no harm in that respect as those numbers are not intended to be interpreted as a ceiling and can be exceeded in circumstances to provide flexibility to meet the local needs set out in the CS and where there is infrastructure capacity to deliver the development. The development is intended to contribute to meeting significant local needs in terms of affordable housing and older persons housing in accordance with the CS. Furthermore, there is no substantive evidence before me that local infrastructure, utilities, services and facilities could not accommodate the development, including when taken cumulatively with development nearby within the administrative area of Preston City Council, subject to planning obligations that are considered in detail later in this decision.
12. I have also taken into account that the emerging Ribble Valley Housing and Economic Development - Development Plan Document (HED DPD) was submitted in July 2017 and did not include the site within its proposed allocations or its settlement boundary for Longridge. However, as the examination in public has yet to take place and there are unresolved objections

to the document including the proposed settlement boundary, the emerging HED DPD is not an influential factor upon the above findings. In addition, the Longridge 2028 Neighbourhood Development Plan - Regulation 16 Submission Draft - January 2018 (NDP) was also provided during the Hearing. However, the emerging NDP does not currently include specific housing policies relating to land beyond the Longridge settlement boundary or policies that add to those that are relevant to the proposal in the CS. In any case, the NDP is at an early stage of preparation and consequently, I can afford little weight to it.

13. When having regard to all of the above, there is conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS and the associated objectives relating to the location of housing and the protection of the countryside. Nevertheless, to conclude on the main issue as a whole it is necessary to also assess the existing housing land supply position in Ribble Valley which I go onto to consider.

#### *Housing land supply in Ribble Valley*

14. In order to boost significantly the supply of housing, paragraph 47 of the National Planning Policy Framework (the Framework) requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.
15. During the Hearing, the appellant provided an up-to-date position<sup>2</sup> relative to the Council's Housing Land Availability Schedule - October 2017 (HLAS) which has a base date of 30 September 2017 for the calculation of housing supply and includes the shortfall of delivery during the plan period to date of 649 dwellings. In that respect, the appellant considers that the Council can demonstrate a housing land supply of approximately 4.3 years when including a 20% buffer relative to paragraph 47 of the Framework. The Council position in the HLAS as at September 2017 was a housing land supply of 5.9 years, including the application of a 5% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission that had not started and a windfall allowance.
16. The Council have subsequently provided an April 2018 update to the figures as at 30 September 2017 which reduced the expected yield from large sites within the five year land supply by 240 dwellings, thereby reducing the housing land supply to approximately 5.4 years, when including a 5% buffer, the shortfall of delivery in the plan period, 10% slippage applied to sites with planning permission not started and windfalls. Aside from the level of buffer to be applied in accordance with the Framework, the differences between the parties reflect the level of contribution from large sites with planning permission and proposed allocations in the emerging HED DPD. There is no dispute between the parties with respect to a windfall allowance of 115 dwellings in total and based on the evidence before me, I have no reason to take a different view in that regard.
17. The Council have justified the application of a 5% buffer, rather than a 20% buffer, on the basis that it accords with the approach of a 'housing

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<sup>2</sup> Hearing document 5

delivery test' set out in a Government White Paper<sup>3</sup> that has been taken forward in the National Planning Policy Framework - draft text for consultation, March 2018, and associated draft updates to Planning Practice Guidance. The approach of the proposed housing delivery test suggests that a 20% buffer would not apply in circumstances where the completions over the last three years of the monitoring period exceed the identified housing requirement as set out in the development plan. In that respect, the housing delivery in Ribble Valley has exceeded the annual requirement set out in Key Statement H1 of the CS for the last three years. However, appeal decisions have been drawn to my attention at Dalton Heights, Seaham<sup>4</sup> and Lower Standen Hey Farm, Clitheroe<sup>5</sup> where Inspectors considered the application of methodologies subject to consultation to be premature.

18. I concur with those Inspector findings as although the methodology set out in the March 2018 consultations relating to the draft Framework, Planning Practice Guidance and associated Housing Delivery Test - Draft Measurement Rule Book indicate the Government's intent, it remains subject to consultation with no certainty that it will be formally adopted and implemented in its current form. In existing circumstances, the improved housing delivery rates in Ribble Valley between 1 April 2014 and 30 September 2017 should not prevail over the longer period of persistent under-delivery of housing that was significantly below the annual requirement during each year between April 2008 and March 2014. The adoption of the CS has had an influence upon the recent increase in housing delivery rates, but the longer period of under-delivery has resulted in a considerable shortfall of housing delivery in Ribble Valley during the first half of the plan period that in total is more than two years of the annualised requirement in Key Statement H1. I, therefore, consider that there is a persistent record of under-delivery of housing in Ribble Valley and a 20% buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
19. The application of a 20% buffer, rather than a 5% buffer, to the Council's updated position submitted prior to the Hearing results in a housing land supply of approximately 4.7 years. The remaining differences between the parties relate to the contribution of a list of disputed sites submitted as part of the appeal that I deal with in turn below.
20. *Higher Standen Farm*. The site is under construction by a single developer and the Council's figures of 200 dwellings to be delivered within five years are derived from a delivery rate of 20 dwellings in year 1, with a delivery rate of 45 dwellings per annum in the remaining years. During the Hearing, the Council have indicated that commencements have been recorded in the half year to date, but with no completions so far. Based on the evidence before me, the delivery rate applied by the Council is at the upper end of the range provided by the developer which was 40 - 45 dwellings per annum. In that respect, whilst the delivery of 20 dwellings in the first year may be achievable, the 45 dwellings per annum in the remaining years appears overly optimistic when compared with delivery rates experienced in Ribble Valley on most other sites with a single developer. I, therefore, consider the lower delivery rate of 40 dwellings per annum to be a more reasonable forecast for years 2 - 5.

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<sup>3</sup> Fixing our Broken Housing Market, February 2017

<sup>4</sup> Appeal Ref: APP/X1355/W/16/3165490 - 29 September 2017

<sup>5</sup> Appeal Ref: APP/T2350/W/17/3174924 - 25 October 2017

Based on the evidence before me, the contribution from this site is more likely to be in the region of around 180 dwellings in the five year period.

21. *Land South West and West of Whalley Road, Barrow.* The site is under construction in two phases and the parties reached an agreement prior to the Hearing that the site would contribute 150 dwellings during the plan period at an annual delivery rate of 30 dwellings per annum, which is lower than the Council forecast in the HLAS. Based upon the evidence before me, I have no reason to take a different view to the parties and consider that the contribution from this site is likely to be around 150 dwellings in the five year period.
22. *Land off Waddington Road, Clitheroe.* The site has outline planning permission and a reserved matters application has been submitted to, but has yet to be determined by the Council. During the Hearing it was confirmed that the Council's figures of 110 dwellings to be delivered within five years are based upon a delivery rate provided by a developer that is no longer proceeding, with anticipated completions in year 2 (2018/19) of 20 dwellings and a delivery rate of 30 dwellings per annum in the remaining years. In the circumstances, I consider that the Council's lead in times for commencement on site and completions are now overly optimistic. The appellant's lead in time of 24 months (from September 2017) for a new developer to receive approval for reserved matters, discharge the requirements of conditions and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings in each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
23. *East of Clitheroe Road, Whalley - Lawsonsteads.* The site has reserved matters approval, but the Council since October 2017 have subsequently revised down the figures to 105 dwellings to be delivered within five years due to infrastructure constraints associated with Phase 1 that have delayed commencement of development on this site. During the Hearing, it was confirmed by the parties that the original developer is no longer proceeding and whilst a new developer has expressed interest it would likely necessitate a full application that has yet to be submitted to overcome existing drainage issues. In the circumstances, I consider that the Council's lead in times are overly optimistic. The appellant's lead in times of 24 months (from September 2017) for a new developer to obtain its own planning permission, overcome infrastructure constraints and commence on site, with a delivery rate of 15 dwellings in the third year and 30 dwellings each of the remaining years appears a more reasonable and realistic outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 75 dwellings in the five year period.
24. *Land east of Chipping Lane, Longridge.* Based upon the evidence before me, the site has outline consent, with reserved matters consent for phase 1 comprising 118 dwellings that has commenced and a full planning permission granted for phase 2. The Council figures of 150 dwellings to be delivered within five years are based upon a delivery rate of 30 dwellings per annum in each year. During the Hearing, the Council indicated that commencements have been recorded in the half year to date, but with no completions so far. In the circumstances, I consider that a delivery rate of 30 dwellings in the first year is overly optimistic and a forecast of 15 dwellings in the first year, with 30 dwellings in each subsequent year would be a more reasonable and realistic

- outcome. Therefore, based on the evidence before me, the contribution from this site is likely to be around 135 dwellings in the five year period.
25. *Land north of Dilworth Lane, Longridge.* The site is under construction and the Council's figures of 171 dwellings to be delivered within five years reflect the build out of the remainder of the site during the five year period. During the Hearing, the Council confirmed that 24 completions were recorded in the previous year with a further 10 completions having been recorded since October 2017 with commencements having also taken place. The appellants indicated that their own figures based upon 30 dwellings per annum should be revised down to match the lower delivery rate in the previous year resulting in a total contribution of 120 dwellings during the five years. However, when taking account of the evidence of the build out rates within the site to date and the fluctuations that can occur between each year, I consider that the application of a delivery rate of 30 dwellings per annum would be a more reasonable and realistic figure as an average that would be achievable across the five year period. Therefore, based on the evidence before me, the contribution from this site is likely to be around 150 dwellings in the five year period.
26. *Preston Road, Longridge.* The site has planning permission with the developer expected to start on site in July 2018. The Council's figures reflect no delivery in year 1 (2017/18) with a delivery rate of 30 dwellings in years 2-5, whilst the appellant indicated that due to lead in times delivery should only be expected in years 3-5. I consider that the middle ground between those figures would be realistic in year 2, with a build out rate of 15 dwellings to reflect the lead in times from anticipated commencement late in year 1 to the first completions in year 2, with delivery of 30 dwellings per annum in the remaining years. Therefore, based on the evidence before me, the contribution from this site is likely to be around 105 dwellings in the five year period.
27. *Sites allocated in the emerging HED DPD.* The proposed allocations within the submitted version of the emerging HED DPD are Land at Mellor Lane (HAL1) which contributes 15 dwellings to the Council figures and Land at Wilpshire (HAL2) which contributes 35 dwellings.
28. The allocations remain subject to objections and do not have planning permission, but were subject to a site selection process as part of the preparation of the HED DPD prior to its submission. The Council confirmed during the Hearing that there are no constraints to the delivery of HAL1 and no contrary evidence was provided. In that respect, I am satisfied that given the scale of the site, a developer would be capable of obtaining planning permission, commencing on site and building out HAL1 at the level indicated in the Council figures during the five year period.
29. With respect to HAL2, I observed that there are overhead power lines with a pylon located close to the access to the site, but I am satisfied that it would not preclude delivery given that there are existing dwellings nearby and a road that has already been built close to the pylon. Furthermore, I am satisfied that the Council's nominal capacity for the site incorporates reasonable deductions to reflect any reduction in developable area associated with the constraint of overhead power lines. Consequently, given the scale of the site, there is no substantive evidence before me which indicates that a developer would be incapable of obtaining planning permission, commencing on site and building



out HAL2 at the level indicated within the Council figures during the five year period. Therefore, based on the evidence before me, the contribution from HAL1 and HAL2 is likely to be around 50 dwellings in the five year period as indicated by the Council.

30. When having regard to my above findings with respect to the disputed sites, the Council's housing land supply is reduced by a further 136 dwellings in total during the five year period. As a consequence, I find that on the basis of the evidence before me the deliverable housing land supply demonstrated is approximately 4.5 years, including the application of a 20% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission not started and a windfall allowance, in accordance with the Framework. In that respect, even if the Council's predictions relating to some of the sites prove to be more accurate, it would not significantly alter the housing land supply position and would only marginally reduce the shortfall within the range of 4.5 years and a maximum of 4.7 years of deliverable housing land supply.
31. Having regard to all of the above, I conclude that the development would conflict with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in terms of their objectives relating to the location and supply of housing. However, the restrictions in those policies are not consistent with national policy objectives in the Framework to boost significantly the supply of housing in circumstances where a five-year supply of housing land has not been demonstrated and therefore, they are not up-to-date. In that respect, to conclude on the compliance of the proposal with the development plan and the Framework as a whole as part of the planning balance, it is necessary to firstly consider any other matters that are relevant to the proposal.

## **Other Matters**

### *Highway and pedestrian safety*

32. The effect of the proposal on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented where the residual cumulative impacts are severe. The highway authority is satisfied that the additional traffic arising from the development could be accommodated on Higher Road and the surrounding highway network without a severe impact. This would be subject to certain measures, such as the formation of the new access following the demolition of No 74. It would also require contributions to and delivery of specific highway improvements including traffic calming measures on Higher Road and upgrades to the junctions and pedestrian crossings at Preston Road-Chapel Hill, Preston Road-Kestor Lane and the Longridge Road roundabout, together with public transport upgrades and off site contributions to walk routes and cycling (linked to the emerging NDP) as listed in Schedule 4 of the UU. Based on the evidence before me and my observations of the site and its surroundings at different times of the day, I have no reason to take a different view to those of the highway authority.
33. With regard to the above, the Council and the highway authority have also raised no objection with respect to the proposed access, its layout and agreed visibility splays and sight lines, subject to the new footpath connections and alterations proposed to each side of the access as referred to in Schedule 4 of the UU. Based on the evidence before me and my observations, I have no

reason to take a different view and consider that the proposal would ensure that safe and suitable access to the site can be achieved for all people.

34. In reaching the above findings I have taken into account the concerns expressed by interested parties in terms of existing parking arrangements and access for emergency vehicles on Higher Road, particularly at its narrowest point near the Club Row terraces where I observed that on-street parking is at its most prevalent but passing places were still available. In that respect, the development would not increase the demand for on-street parking or increase traffic flows on Higher Road to an extent that existing highway conditions and parking arrangements would be significantly altered or worsened. I am satisfied, therefore, that the development would not have a detrimental impact upon highway safety or preclude access for emergency vehicles, which is capable of being secured within the site as part of the detailed site layout to be submitted as part of the reserved matters.

#### *Living conditions*

35. The masterplan and illustrative material submitted with the planning application demonstrate that adequate separation distances to neighbouring properties facing Higher Road, Dilworth Lane and the on-going development immediately adjacent could be achieved to preserve the living conditions of their occupiers and future occupiers of the development in terms of outlook and privacy. Existing views from the rear elevations and rear gardens of the adjoining properties facing Higher Road and Dilworth Lane would be affected by the development. However, that is generally the case with development on the edge of an existing settlement. A well-designed and appropriately landscaped development would be capable of limiting the perception of the site being suburbanised, whilst providing a suitable outlook for occupiers of neighbouring properties around the site. I am satisfied that the detailed issues in those respects could be appropriately addressed through the reserved matters relating to layout, scale, appearance and landscaping, taking account of the variations in topography.
36. The proposed access road between Nos. 70 and 76 would increase the noise and activity experienced by occupiers of those properties. However, I do not consider that the extent of those effects would result in significant harm or disturbance to their existing living conditions. In reaching that view, I have taken into account that potential mitigation measures could be provided at reserved matters stage or by condition, such as appropriate use of land levels for the access relative to the slab levels of surrounding properties, additional landscaping buffers and acoustic fencing. The construction phase could also be suitably controlled to prevent unacceptable impacts in terms of noise and disturbance through the agreement of a Construction Method Statement.
37. Interested parties have also expressed concerns with respect to the impact on property values. However, it is a well-established principle that the planning system does not exist to protect private interests such as the value of land and property. The issue of restrictive covenants relating to the site has also been raised. However, I see no reason why the grant of planning permission would supersede any private legal rights relating to land ownership or a leaseholding. Consequently, those matters fall outside of my jurisdiction and have not had any material bearing on my assessment of the planning issues in this appeal.

### *Ecology, trees and open space*

38. The Ecological Appraisal submitted with the application found no substantive evidence of any protected species within the site or the surrounding area that would be adversely affected by the development. Based upon the evidence before me, I have no reason to take a different view. Furthermore, I am satisfied that the compensatory planting, habitat enhancement and precautionary measures identified relating to amphibians, bats, badgers, nesting birds, brown hares, invertebrates and reptiles would be suitable and could be secured through conditions, and the detailed site layout and landscaping submissions as part of the reserved matters. I, therefore, find that the development would not have an adverse impact upon ecology and biodiversity.
39. The Tree Report submitted with the application indicates that the masterplan and illustrative details that accompanied the application could require the removal of one high quality tree, two moderate quality trees, one low quality tree and three low quality groups within the site. Additionally, it indicates that five trees and one group located within the site are considered unsuitable for retention for reasons unrelated to the development. However, the layout and landscaping proposals are illustrative and the specific details remain subject to a reserved matters submission. In that regard, I am satisfied that the detailed submissions could suitably incorporate existing high and moderate quality trees within the site, together with the trees and hedgerows along the site boundary and those located on neighbouring land with crown overhangs or root protection areas within the site. Tree protection measures in those respects can be secured by condition. In addition, the landscaping within the site would be capable of including extensive new tree and hedge planting to adequately compensate for any loss of lower quality trees within the site.
40. The detailed provision of public open space within the site, including useable spaces, natural play spaces, pedestrian footpath links and cycle routes, can be secured as part of the reserved matters and conditions in accordance with the illustrative details within the masterplan accompanying the application, including potential links to the Longridge Loop as set out in the emerging NDP. The public open space provision in that respect would have wider recreational benefits to the Longridge area given that the site has no public access at present, even though the primary purpose would be to meet policy requirements.

### *Drainage and flood risk*

41. The development would not be at unacceptable risk of flooding or increase the risk of flooding to surrounding properties, subject to the suitability of the detailed site layout as part of the reserved matters, together with foul and surface water drainage measures, including sustainable drainage systems (SuDs). Those drainage details are capable of being secured by conditions.

### *Planning obligation and infrastructure*

42. There is a signed and completed UU. As previously mentioned, it requires the appellant to deliver affordable housing (30% affordable housing provision and 15% of the overall number of dwellings on site for occupation by those over 55 years of age, with half in the affordable provision) as set out in Schedule 1. It would also make the following contributions towards improving local

infrastructure that would serve the development: an off site leisure contribution to be paid relative to the reserved matters in accordance with occupancy ratios set out in Schedule 1, education contributions calculated in accordance with primary and secondary places as set out in Schedule 3 and Appendix 1 of the UU, highways and transport works and contributions specified in Schedule 4.

43. Having regard to the above and based on the evidence before me, I am satisfied that the proposed contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulation 122 and paragraph 204 of the Framework, given the precise financial contributions are dependent upon calculations relative to the details that come forward as part of the reserved matters. I have, therefore, attached weight to them in my decision. In reaching such a view, I have taken into account that there are minor typographical issues within the UU agreement relating to the off site works proposed on Higher Road in Schedule 4(2) and 4(7). However, I am satisfied that such matters would not prevent the implementation of the planning obligation given that those off site highway works and walking routes are also supported by specific details in associated plans that are before me.
44. It is not contested by the Council that the development would have a harmful effect upon existing infrastructure, subject to the planning obligations in the UU. In that respect, I also observed that the development would be within walking distance of a wide range of local services and facilities within Longridge. Furthermore, there is no substantive evidence before me which indicates that the available services, facilities and utilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require planning obligations as set out in the UU.

### **Planning Balance**

45. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Key Statement DS1 and Policies DMG2 and DMH3 of the CS in so far as they are relevant to the location and supply of housing and the protection of the countryside. Whilst the Council decision notice also refers to conflict with Key Statement DS2 of the CS it is a broad repetition of paragraphs 11 and 14 of the Framework and the planning balance necessary where conflict with the development plan is identified. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In that respect as the Council cannot demonstrate a deliverable five-year housing supply, the relevant policies for the location and supply of housing are out-of-date through the operation of paragraph 49 and 215 of the Framework. Paragraph 14 of the Framework is, therefore, engaged.
46. Paragraph 14 of the Framework states that for decision making this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
47. There are economic and social benefits arising from the provision of up to 122 additional homes including the potential for delivery of affordable housing and accommodation for over 55s to meet local needs in an accessible location,

which are important considerations that carry significant weight. There would also be associated economic benefits in terms of job creation during construction and support for local services and facilities after occupation, which carry significant weight based on the scale of the development proposed. Furthermore, considerable weight is given to the contribution which the appeal proposal would make to significantly boosting the supply of housing, where the supply of housing in Ribble Valley is constrained due to an inability to demonstrate a five year housing land supply, with a 0.5 year shortfall having been identified. In that respect, the proposal would contribute to a clear need for more market, affordable and older persons housing to be delivered in Ribble Valley. Based upon my findings, the scale of the development would not fully address the shortfall to an extent that a deliverable five year supply of housing land would be demonstrated. Nonetheless, the contribution to meeting housing need is significant and is afforded considerable weight.

48. The development would result in a loss of open countryside. However, given that the site is already mostly enclosed by development on three sides with varied topography, I have found no significant harm to the character and appearance of the area, landscape character and visual amenity, including views from neighbouring properties and a nearby bridleway, subject to the details of the reserved matters. There would also be no unacceptable impact in terms of highway safety, the living environment for future residents, the living conditions of existing residents, ecology and trees, and drainage that could not be resolved by the imposition of suitable conditions.
49. Having regard to the above, the adverse impacts of allowing this appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. In that respect, there are also no specific policies in the Framework which indicate that the development should be restricted. The proposal constitutes sustainable development when assessed against the Framework as a whole. Consequently, I find that there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission, therefore, should be granted.

### **Conditions**

50. I have had regard to the planning conditions that have been suggested by the Council. Where necessary I have reordered the conditions, amended the wording to ensure consistency with paragraph 206 of the Framework and consolidated the conditions where possible.
51. Conditions 1 - 5 relate to the submission of reserved matters, timescales, phasing, provide certainty of the outline permission granted and require compliance with approved details, design principles and parameters which are necessary. In that respect, conditions 6 and 7 necessarily restrict the height of any dwellings to not exceed two storeys in height and require full details of proposed ground levels and building finished floor levels in any subsequent reserved matters. Those conditions are required in the interest of the character and appearance of the area, to ensure that the development responds appropriately to the topography of the land and to preserve the living conditions of occupiers of neighbouring properties.
52. Conditions 8 and 9 necessarily require the submission of full details of proposed surface water attenuation ponds and other water bodies on the site, and works

for disposal of foul water and sewage, as part of the reserved matters. Condition 10 requires full details of boundary treatments to be erected within the site and is necessary in the interest of the character and appearance of the area, the living conditions of future occupiers and occupiers of neighbouring properties and to assess wildlife movement as part of the reserved matters. Condition 11 requires full details of proposed play areas and play equipment as part of the reserved matters which is necessary to ensure acceptable and adequate forms of useable public open space.

53. Condition 12 relates to the submission and approval of a detailed scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access. The pre-commencement condition is required in the interest of highway and pedestrian safety and it is necessary that the development is carried out in strict accordance with the approved details prior to the first occupation of a dwelling.
54. Conditions 13 and 14 are pre-commencement conditions that are necessary to secure full details of precautionary ecology measures mentioned previously relative to the full details of any subsequent reserved matters approval. Condition 15 is a pre-commencement condition for each phase that secures a Construction Method Statement which I consider is necessary to preserve the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.

### **Conclusion**

55. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

*Gareth Wildgoose*

INSPECTOR

## SCHEDULE

### CONDITIONS

- 1) No part of the development hereby permitted shall be commenced on any phase (as referred to in Condition 3) until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the local planning authority.

In relation to landscaping, the details for each phase shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatments and a scheme of maintenance, including long term design objectives. The submitted landscape details shall take full account of the mitigation measures as contained within the submitted Ecological Appraisal (Report Ref: 3089 V1).

- 2) Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - a) The expiration of three years from the date of this permission; or
  - b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) The submission of reserved matters relating to layout shall be accompanied by a phasing scheme, including the parcels which shall be the subject of separate reserved matters applications (where applicable), for the approval in writing by the local planning authority. For the avoidance of doubt the submitted information shall include anticipated commencement dates and annual delivery rates of housing for each phase or parcel of development.
- 4) The details in respect of the submission of any reserved matters shall be in accordance with the design principles and parameters as set out in the following documentation:
  - RF15-293-IN03-02: Green Infrastructure and Character document (February 2017)
  - Masterplan SK10 (February 2017)
  - Indicative Site Sections (February 2017)
  - Movement Framework (February 2017)
- 5) No more than 123 dwellings shall be developed within the application site edged red on the submitted Red Line Boundary Plan (VHLP/7782/2194/01 Rev: A).
- 6) Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.

- 7) Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt, the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

- 8) Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on the site. Before any details are submitted to the local planning authority, an assessment of site conditions shall be carried out having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The submitted details shall as a minimum:
- a) provide information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b) include a timetable for its implementation; and,
  - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

For the avoidance of doubt, the submitted information shall also include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments, together with means of access for maintenance and easements where applicable. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.

- 9) Applications for the approval of reserved matters shall be accompanied by full details relating to works for the disposal of foul water and sewage. The development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling, and subsequently maintained in strict accordance with the approved details.
- 10) Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt, the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.



- 11) Applications for the approval of reserved matters, where relevant, shall be accompanied by full details of all proposed play areas and associated play equipment.

For the avoidance of doubt, the submitted details shall include the specification and nature of all proposed surfacing, informal/formal play equipment and details of existing and proposed land levels and all associated landscaping and boundary treatments where applicable, including timescales for delivery. The development shall be carried out in strict accordance with the approved details.

- 12) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the construction of the pedestrian and vehicular site accesses, together with a retaining structure adjacent to the site access, has been submitted to, and approved in writing by the local planning authority in consultation with the Highway Authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of any dwelling.

For the avoidance of doubt, the submitted details shall also include the precise nature and design of all pedestrian/cycleway accesses into and out of the site including details of their interface with existing pedestrian/cycle routes or networks.

- 13) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the local planning authority.

For the avoidance of doubt, the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied, and thereafter retained. The development shall be carried out in strict accordance with the approved details.

- 14) Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of a package of proposed mitigation measures, as outlined in Section 6 of the approved Ecological Appraisal (Report Ref: 3089 V1) has been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the mitigation shall include, but be limited to the provision for bat and bird boxes, the improvement of existing hedgerow, creation of refugia/hibernacula/habitat features and bee and wasp nest boxes. The submitted details shall include the timing and phasing for the

creation/installation of mitigation features and a scheme for future management and maintenance where applicable. The development shall be carried out in strict accordance with the approved details.

- 15) No development shall take place within a phase (pursuant to condition 3 of this consent) until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:
- a) The location of parking of vehicles of site operatives and visitors
  - b) The location for the loading and unloading of plant and materials
  - c) The location of storage of plant and materials used in constructing the development
  - d) The locations of security hoarding
  - e) The 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) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
  - f) 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)
  - g) Days and hours of operation for all construction works.
  - h) Details of good practice and management measures to be employed during the development, including the identification of suitable of suitable highway routes for plant and material deliveries to and from the site, and measures to ensure that construction and delivery vehicles do not impede access to and from the site.

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

## **APPEARANCES**

### FOR THE APPELLANT:

Peter Vernon (Did not attend site visit)	VH Land Partnerships
Gary Hoerty	Gary Hoerty Associates Ltd
Kieran Howarth (Did not attend site visit)	Gary Hoerty Associates Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Colin Hirst (Did not attend site visit)	Ribble Valley Borough Council
Rachel Horton	Ribble Valley Borough Council
Stephen Kilmartin	Ribble Valley Borough Council

### INTERESTED PARTIES:

Kenneth Cooper	Local Resident
Brian Holden	Local Resident
Anthony Ingham (Did not attend site visit)	Local Resident
John Murphy	Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Planning Obligation by Unilateral Undertaking dated 16 April 2018
- 2 Updated 5 year housing land position provided by the appellant
- 3 Written statement from Mr Cooper
- 4 Written statement from Mr Murphy
- 5 Written statement from Mr Holden
- 6 Written statement from Mr Ingham
- 7 Longridge 2028 - Neighbourhood Development Plan – Regulation 16 Submission Draft, January 2018
- 8 Appeal decision - APP/T2350/W/17/3174924
- 9 Letter from Indigo Planning to Council dated 13 April 2018 – Draft Allocation (HAL2) in submission version of the Housing and Economic Development – Development Plan Document

**DOCUMENTS SUBMITTED AFTER THE HEARING (BY AGREEMENT)**

- 1 Indicative Site Sections (February 2017) upon which the Council made its decision
- 2 Movement Framework (February 2017) upon which the Council made its decision
- 3 E-mail update received from the Council on 20 April 2018 relating to the dates for the Examination in Public of the HED DPD

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**APPENDIX 3 : APPEAL DECISION: LOWER STANDEN HEY FARM, WHALLEY ROAD,  
CLITHEROE (APP/T2350/W/17/3174924)**



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# Appeal Decision

Site visit made on 10 October 2017

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

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

**Decision date: 25<sup>th</sup> October 2017**

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**Appeal Ref: APP/T2350/W/17/3174924**

**Lower Standen Hey Farm, Whalley Road, Clitheroe BB7 1EA**

- 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 and Mrs Dummer against the decision of Ribble Valley Borough Council.
  - The application Ref: 3/2016/1196, dated 20 December 2016, was refused by notice dated 28 February 2017.
  - The development proposed is the erection of 5 no. dwellings and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the proposal is near a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2012 (the Framework).
4. The appellants have drawn my attention to an appeal decision<sup>1</sup> relating to a nearby building to the west of the appeal site. Whilst I have paid careful attention to this decision, the circumstances are not similar in all respects because it is not within the setting of the listed building, has a significantly greater regard for its immediate landscape context, relies upon a more innovative design approach and predates the existing development plan. Consequently, this appeal has been determined on its individual merits and the evidence before me.

## Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area, bearing in mind the special attention that should be paid to the setting of the nearby Grade II listed building, 'Lower Standen Farmhouse'.

## Reasons

6. The appeal site is situated near the southernmost extent of the market town of

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<sup>1</sup> APP/T2350/A/12/2186164

Clitheroe. It comprises an extended curtilage of a listed farmhouse and an area of adjacent pasture that fronts onto the A671. The land generally rises from this road towards the farmhouse and is physically separated from the settlement by Pendleton Brook. The proposal comprises five detached dwellings arranged along an east-west axis. Access to the site would be via an existing driveway that links the A671 to a cluster of residential dwellings to the south west of the appeal site.

### *Character and appearance*

7. 'Lower Standen Farmhouse' (Ref: 1072091) dates from the early 19<sup>th</sup> century and has a number of curtilage structures to the rear that have been converted for residential use. The farmstead occupies an elevated position in the landscape to the west of the A671. Historic mapping confirms the presence of the farmstead and indicates that it was surrounded by agricultural land. The building comprises a single range with a subservient, later addition projecting from its northern gable end. It is constructed from coursed rubble which is covered in pebbledash render on its front elevation. This building has an unusual single storey and two storey bow window either side of its main entrance.
8. Whilst the setting of the building has been subject to domestication, with over-sized barn conversions and the construction of a modern bungalow immediately to the south, it nevertheless retains an agricultural character. This is because the farmyard to the rear and pasture around the front still remain clearly legible. As these features are indicative of its former use they are of evidential value. Notwithstanding the nearby bungalow, the buildings occupy a visually distinct position in comparison to the main settlement and, in landscape terms, are consequently read as a farmstead rather than as a residential development. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the extended curtilage and pasture to the northeast of this building.
9. I observe from the plans and my site visit that the proposal would lead to a significant reduction in the openness of the nearby pasture and that the listed building would no longer remain legible as a semi-isolated building associated with a former farmstead, despite the retention of a small area of pasture in the southern part of the appeal site. I accept that this would maintain a primary view of the main elevation with glimpses of the farmyard beyond. However, this ignores the views of the wider farmstead, as set out above, which also contribute to its setting and thus its evidential value.
10. Consequently, I find the assessment of heritage significance too narrowly defined and therefore somewhat contrived. Furthermore, the suggestion that the proposal would be less harmful than changes that have already occurred carries little weight as the existence of harm is not a justification for further harm. Bearing in mind the existing rural character and appearance of the site, when viewed from the A671, I also find that the proposal would have a highly incongruent, suburbanising effect on the immediate area. This would not only result from the staggered, linear layout of the buildings and their regimented roof form, but also the associated hard landscaping, plot subdivision and domestic paraphernalia of future occupants.
11. Whilst I accept that more distant, undefined, vantage points may give rise to an inter-visibility that might suggest that the proposal is an integrated

extension of the southern settlement boundary, this is not how the proposal would be experienced by the majority of people who would regularly view the site from the A671. The appellants are of the opinion that the proposal would be well related to more recent development to the north of the appeal site. However, the open countryside is clearly demarcated at this point by the topography and vegetation associated with Pendleton Brook. Whilst similar in design, the proposal would result in the disruption of an otherwise visually distinct settlement boundary. Given the above, I find that the proposal would not only harm the setting of the listed building but would also be detrimental to the character and appearance of the rural landscape to the south of Clitheroe.

12. This impact would be significant given the high degree of visual prominence of the site. I observed that the proposal would be clearly visible to southbound road users given the rising ground, low stone wall and small number of intervening, deciduous trees. Whilst the trees are mature and would provide some screening during summer months this would not be the case during winter months when the scheme would be clearly visible. In any event, the trees are an impermanent feature that could be removed or die from natural causes at any time on the basis of the evidence that is before me. This also applies to the evergreen, boundary vegetation further to the south. If lost, the scheme would become clearly visible to northbound road users as well. As I have no planning mechanism before me to ensure the retention of these features, they cannot be relied upon to mitigate the harm that I have identified.
13. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the separation distances and retention of some of the pasture, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Clearly, the proposal would make, an albeit, small contribution to housing provision and would be sustainably located in close proximity to a settlement with a wide range of services and alternative modes of transport. However, I do not find that this outweighs the harm that would be caused to the setting of the listed building to which considerable weight and importance must be attached.
14. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with key statement EN5 and policies DMG1 and DME4 of the Ribble Valley Borough Council Core Strategy 2008-2028 (2014) (CS) that seek, among other things, to ensure that the settings of heritage assets are conserved and protected and that all development has regard to its surroundings, including any impact on landscape character. As a result, the proposal would not be in accordance with the development plan.

#### *Housing land supply*

15. Clitheroe is designated a Principal Settlement in Key Statement DS1 of the CS



which seeks to guide development to the most appropriate locations within a series of identified settlements. When development occurs outside settlement boundaries, as defined by the retained proposals map of the former local plan, it is deemed to be in the open countryside and policies DMG2 and DMH3 of the CS apply. The appellants accept that the site is outside the currently defined settlement boundary but are of the opinion that it may be subject to change in the emerging plan. However, the Council have indicated that there are no unresolved objections to the position of the settlement boundary at this location and that it will therefore remain unaltered on the emerging proposals map. Bearing in mind the late stage of the emerging plan, I give this some weight in the planning balance of this appeal.

16. Policy DMG2 indicates, among other things, that development in the open countryside will be required to be in keeping with the character of the landscape. This would clearly not be the case, as set out in paragraph 10-12 of this decision. Policy DMH3 goes on to identify a number of exceptions where development may be permitted. None of these apply in this particular instance and this fact is not disputed. However, the appellants have disputed the presence of a deliverable 5-year housing land supply (HLS) which, if accepted, could lead to the engagement of paragraph 49 of the Framework which, in turn, would engage the so called 'tilted balance' as set out in paragraph 14 of the Framework. Irrespective of any conclusion relating to 5-year HLS, paragraph 14 would not be engaged, however, because of the harm that I have identified to the setting of the designated heritage asset. This is because footnote 9 of paragraph 14 of the Framework indicates that development should be restricted under such circumstances.
17. The Council has indicated that it has a 5.73-year HLS which is based on information from April 2017 which is materially different from the position at determination which was based on information from September 2016. Despite this fact, the appellants maintain that a deliverable 5-year HLS is not present. This is because they contend that a 5% buffer should not have been applied and that the available housing land supply has also been overestimated.
18. Turning to the first matter, the Council has justified the use of a 5% buffer through the application of a 'housing delivery test', as set out in a recent Government White Paper<sup>2</sup>. This suggests that a 20% buffer should not apply where completions over the last three years of a monitoring period exceed the annualised requirement, as set out in a development plan. Whilst clearly signalling Government intent, I find the adoption of this approach premature at the current time because it is based on a consultation document that could be subject to change despite the fact that the approach was due for implementation by November 2017. In any event, I note that the Council has used an unadjusted annualised requirement of 280 houses which has failed to account for a backlog of 750 houses which gives a higher annualised requirement of 430. Under such circumstances, it is clear that the Council has failed to meet its annual targets since the beginning of the plan period. As such, I am satisfied that a persistent record of under-delivery is present.
19. Turning to the second matter, the appellants have suggested that there is a shortfall of deliverable housing that amounts to 2,357 homes rather than the 2,588 homes identified by the Council. This difference turns on the

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<sup>2</sup> Fixing our Broken Housing Market. February 2017. HM Government.

deliverability of three sites: Higher Standen Farm; 23-25 Old Row; and Lawsonsteads. The Council concedes that the last site will make a reduced contribution of between 90-120 homes rather than the 160 that has been estimated but is satisfied that the other two sites will deliver the expected number. In relation to the first site, I acknowledge the 'conversation' that occurred with the housebuilder but find that the conclusions have not been substantiated in any written evidence. Consequently, this assertion only carries limited weight in the balance of this appeal. In relation to the second site, I acknowledge that a reserved matters application is still pending and note the site history. However, under the terms of footnote 11 of paragraph 47 of the Framework I am satisfied that the site can still be considered deliverable.

20. Given the above, it follows that a potential shortfall of up to 70 homes would result in a 4.89-year HLS with a 20% buffer and a 5.57-year HLS with a 5% buffer. However, the Council have allowed for a 10% slippage in its calculations for all sites with planning permission or awaiting Section 106 agreements that had not commenced by the 31 March 2017. As this amounts to 177 homes and is not disputed by the appellants, I am satisfied that a 5-year HLS is present at the current time whichever buffer is applied.
21. I acknowledge the evidence concerning the local development land market across the Borough. However, the conclusions were not based upon a full market research report, as indicated in the relevant letter. Moreover, the evidence comprised a single sentence which concluded that there was an upper sales limit in 2016 of around 2 houses per month. This was based upon informal reporting rather than quantitative evidence and lacks a suitable degree of robustness as a result. Furthermore, sales are not the same as completions and asking prices can be adjusted. Consequently, this evidence can only be viewed as subjective, unsubstantiated opinion of a highly generalised nature with no specific link to the above sites. I therefore give it limited weight in the planning balance of this appeal.
22. Given the above, I conclude that the development would be in the open countryside and that the full weight of locational policies applies. The proposal would therefore be contrary to policies DMG2 and DMH3 of the CS and would not be in accordance with the development plan.

### **Conclusion**

23. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

*Roger Catchpole*

INSPECTOR