
Appeal Decision

Site visit made on 3 December 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/T2350/W/19/3236414

Land off Kingsmill Avenue, Whalley, Lancashire BB7 9PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant permission in principle.
 - The appeal is made by Mr John Townson against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2019/0340, dated 11 April 2019, was refused by notice dated 24 May 2019.
 - The development proposed is 4 no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was for permission in principle. The national Planning Practice Guidance (PPG) states that the scope of permission in principle is limited to location, land use and amount of development¹. Accordingly, I have considered only the issues relevant to those 'in principle' matters in my determination of the appeal.
3. The planning history of the site is noted, including the proposal for four semi-detached, three-bedroomed dwellings with associated garden areas and parking, which was dismissed on appeal² in 2015. The subsequent requirements of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) (SCHA) are also acknowledged.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for housing, having regard to:
 - whether the proposal would meet an identified local need
 - the effect of the proposed development on the character and appearance of the area, and
 - accessibility of services and facilities.

¹ Paragraph Reference ID: 58-012-20180615.

² Ref: APP/T2350/W/18/3210850.

Reasons

Local need

5. Development Strategy Key Statement DS1 of the Ribble Valley Core Strategy 2008-2028 (2014) (CS) seeks to concentrate new housing development within appropriate settlements, and allows for the possibility of development in settlements which meets identified local needs. However, as it is not disputed that the appeal site is within countryside, and is outside any settlement boundary, the proposal would not accord with the Key Statement. Policy DMH3 of the CS limits residential development in the open countryside to, amongst other things, residential development which meets an identified local need.
6. The Glossary of the CS defines local needs housing as housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment. I note the Inspector's finding on definition of local needs housing in Ribble Valley, in the Wiswell Brook Farm appeal decision³ referred to by the main parties. In the case before me, there is not substantive evidence of such a defined need which the appeal proposal would meet.
7. One of the Council's duties under the SCHA⁴ is to give suitable development permission for enough serviced plots of land to meet the demand for self-build housebuilding in its area arising in each base period. The Council sets out that no such demand was registered on Part 1 of the self-build register for the first base period up to 31 October 2016. The Planning Officer's report refers to six individuals on Part 1 of the register, and the Council acknowledges that, taking into account demand registered during the second base period, self-build demand exceeds the quantum of development applied for.
8. The Planning Officer's Report refers to a significant number of large scale and windfall consents that would be capable of accommodating self-build plots. However, there is not substantive evidence before me of the quantity of planning permissions for serviced plots which could accommodate self-build dwellings. Moreover, according to the Council, none of the consents have been explicitly secured for self-build housing. The Council envisages that other applications for self-build accommodation will come forward before the end of the compliance period for the second base period of 31 October 2020, to meet demand on the self-build register. However, it is not guaranteed that this will happen. I also have regard to the Inspector's finding in the Land off Hepworth Road appeal decision⁵ regarding the contribution of permissions to the actual delivery of self-build housing.
9. Given the above, the prospect of self-build housing being delivered to meet demand in the borough within the compliance period for the second base period is open to some question. I shall consider the merits of four self-build dwellings later in my decision.
10. Nevertheless, taking the above together, I conclude that the proposal would not meet identified local housing need or deliver the residential development

³ Ref: APP/T2350/W/18/3210850.

⁴ Ref: S2A of the SCHA.

⁵ Ref: APP/G2435/W/18/3214451.

concentration strategy defined within the CS. As such, it would not accord with Development Strategy Key Statement DS1 and Policy DMH3 of the CS.

Character and appearance

11. The appeal site comprises mainly rough grassland, set around a mini roundabout at the turning head at the end of Kingsmill Avenue. It includes some scrub vegetation and gravel surfacing. A caravan and some ageing garage and shed buildings are located towards the north-west and south-east edges of the site.
12. Policy DMG2 of the CS requires, amongst other things, that within the open countryside, development should be in keeping with the character of the landscape.
13. Viewed looking down Kingsmill Avenue in a south-westerly direction, the site reads 'on the ground' as an open and verdant piece of land at the edge of the countryside, which is part of a continuum of views leading to fields and woodland beyond. Visually the site forms part of an area of land which is free from permanent dwellings. It is surrounded on three sides by fields and linked to the latter by a footpath which runs to the west. The site is slightly elevated and there is clear intervisibility between it and adjacent fields. It is a focal point at the end of Kingsmill Avenue, which makes an important contribution to the visual transition from the residential part of the street to the wider countryside beyond.
14. As the application seeks only permission in principle at this stage, the layout and detail of the proposed dwellings are not before me. However, from what I saw during my site visit and the aerial view, it is evident that the domestic appearance of the proposed quantity of new dwellings, and associated landscaping and paraphernalia including vehicles, would have an urbanising influence on the countryside, viewed from the street and a number of properties on Kingsmill Avenue, the adjoining footpath and fields beyond, and from the rear of cottages on Common Side. Together, these factors would detract from the rural identity of the countryside setting of Kingsmill Avenue, Common Side and Whalley.
15. The appellant considers that the site does not constitute a 'valued landscape' in the context of paragraph 170 of the National Planning Policy Framework (the Framework). Be that as it may, the proposal would not, for the reasons described above, be sympathetic to local character including the landscape setting, as required by paragraph 127 of the Framework. I note the appellant's view that the proposal would appear associated with established dwellings along Kingsmill Avenue. However, for the reasons outlined above, the proposal would not be in keeping with the character of the local landscape.
16. I therefore conclude that the site would significantly harm the character and appearance of the area, and thus would conflict with Policy DMG2 of the CS. Accordingly, the proposed site would not, in this respect, be a suitable location for housing.

Accessibility of services and facilities

17. Key Statement DM12 and DMG3 of the CS together seek to ensure that residential development is located where facilities which residents need to visit regularly are accessible by means other than private car.

18. The site is approximately 2.3km from centre of Whalley, with its services and facilities. Given the nearby bus stop, some travel by bus or walking to access facilities in Whalley is feasible. The site would also have some accessibility to bus services in Clitheroe, Chipping and Longridge. However, given the relatively infrequent nature of the service near Kingsmill Avenue, a substantial level of car dependency is likely for future residents of the proposed development to access core facilities and services.
19. In conclusion, the proposal would result in reliance on the private motor car, which would undermine the environmental objectives of the Local Plan. As such, it would not accord with Key Statement DMI2 and Policy DMG3 of the CS. Consequently, the proposed site would not, in this regard, be a suitable location for housing.

Other Matters

20. The site is located next to other dwellings on Kingsmill Road. However, Kingsmill Road is not a settlement and not within one. As such, the appeal site is separate to a settlement. Accordingly, with reference to the Braintree judgement⁶ and subsequent Court of Appeal judgement⁷, the proposed dwelling would be 'isolated' in terms of paragraph 79 of the Framework. The proposal would not satisfy exceptions set out in paragraph 79 of the Framework.

Planning Balance and Conclusion

21. It is not disputed that the Council can demonstrate a five year supply of deliverable housing sites. However, whether or not the Local Plan contains sufficient policies to support self-build housing is a matter of dispute between the main parties. The appellant considers that the absence of policies which explicitly refer to self-build housing means that there are no relevant Local Plan policies in this respect. The Council considers that the CS, as a whole, contains sufficient policies to allow for both the approval and assessment of self-build housing in appropriate locations.
22. Paragraph 61 of the Framework does not specify a requirement for Local Plan policy on self-build dwellings. Furthermore, the PPG⁸ sets out that relevant authorities should consider how they can best support self-build and custom housebuilding in their area, which *could* include developing policies in their Local Plan for self-build and custom housebuilding, amongst other things. As such, the above sections of the Framework and PPG do not necessarily demand explicit Local Plan self-build housing policies.
23. However, given my earlier finding regarding the prospect of self-build housing delivery in the borough, it is questionable, in respect of self-build housing, whether sufficient relevant Local Plan policies are in place to reflect the importance, described in paragraph 59 of the Framework, of delivering a sufficient amount and variety of land where it is needed, and addressing the needs of groups with specific housing requirements. Taking the above together, I consider that the 'tilted balance' is engaged, as set out by paragraph 11 of the Framework.

⁶ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743.

⁷ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

⁸ Paragraph Reference ID: 57-025-201760728.

24. I have had regard to the benefits arising from the proposal. The proposed development would make a modest contribution to local housing supply, in the form of four dwellings, with associated socio-economic benefits during and after construction.
25. The appellant considers that the proposal would make a contribution towards meeting the statutory duty to provide development plots for self-build housing, arising from the SCHA, which would carry overwhelming weight. However, at the permission in principle stage no mechanism can be used to secure the plots for this purpose and this consideration therefore carries limited weight.
26. As such, given the harm identified above I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the public and other benefits, when assessed against the policies in the Framework taken as a whole. The proposals would fail to comply with the relevant policies of the development plan and national guidance, and therefore the appeal should be dismissed.

William Cooper

INSPECTOR