



Appeal Decision

Hearing Held on 8 October 2019

Site visit made on 8 October 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 23 January 2020

Appeal Ref: APP/T2350/W/19/3223816

land to south of Chatburn Old Road, Chatburn, Clitheroe, Lancashire

Easting: 376585 Northing: 443959

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Rod Townsend (Nest Housing) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0582, dated 22 June 2018, was refused by notice dated 7 September 2018.
 - The development proposed is residential development of up to 9 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development of up to 9 dwellings on land south of Chatburn Old Road, Chatburn, Clitheroe, Lancashire (Easting: 376585 Northing: 443959) in accordance with the terms of the application, Ref 3.2018/0582, dated 22 June 2018.

Application for costs

2. An application for costs was made by Mr Rod Townsend (Nest Housing) against Ribble Valley Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. A copy of the Inspector's report on the Examination of the Ribble Valley Local Plan '*Housing and Economic Development*' Development Plan Document (HEDDPD)¹ was submitted at the start of the hearing². It has since been confirmed that the Council adopted the HEDDPD and Proposals Map on 15 October 2019. As the matter of settlement boundaries in relation to Chatburn were discussed in the context of both existing alignments and that set out in the HEDDPD I am satisfied that all parties have had opportunity to consider the implications raised therein, and I have determined the appeal accordingly.
4. I heard that the road from which the appeal site would be accessed is known locally as both 'Chatburn Old Road' and 'Old Road, Chatburn'. I have, however, adopted the former throughout my decision in the interests of consistency, noting that both main parties refer to it as such throughout their submissions.

¹ Dated 10 September 2019

² DOC2

Main Issue

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

Reasons

6. The appeal site lies outside, but adjoining, the settlement boundary for Chatburn as defined on a previous iteration of the development plan for the area³. However, as part of the '*Housing and Economic Development*' Development Plan Document (HEDDPD) the Council proposed to adjust the settlement boundary for Chatburn, primarily in relation to Chatburn Old Road, to bring the on-going residential development on land to the north of the appeal site within the settlement boundary. The effect of this realignment is also to bring a small portion of the appeal site within Chatburn's settlement boundary. What it also does is ensure that the majority of the appeal site's northern boundary adjoins the settlement boundary, in addition to the staggered line of the settlement boundary around the site's eastern and south-eastern perimeter.
7. Policy DS1 of the Ribble Valley Borough Council Core Strategy (CS) sets out a broad spatial development strategy for the distribution of housing across the Borough. Sitting below the Borough's Principal Settlements, Chatburn is one of eleven 'Tier 1' settlements which are considered by the Council to be the more sustainable of the Borough's defined settlements. CS policy DS1 states that development will also be focused towards these 'Tier 1' settlements in addition to the scope offered by the Principal Settlements.
8. CS policy DMG2 goes on to state that development should be in accordance with the development strategy established by CS policy DS1. With specific reference to 'Tier 1' settlements, development proposals should 'consolidate, expand or round-off development so that it is closely related to the main built up areas'. It goes on to conclude that such development should be appropriate to the scale of, and in keeping with, the existing settlement.
9. As the appeal site is beyond the defined settlement boundary for Chatburn, the Council argue that the provisions of CS policy DMH3 are of relevance. This policy sets out a range of acceptable forms of development for sites that are considered to lie in the open countryside. However, as a result of determination of an appeal elsewhere within the Borough (the Henthorn Road appeal)⁴ the Council issued a supplementary planning statement⁵ (SPS) to respond to concessions made previously by the Council in terms of the application of CS policy DMG2 in the Henthorn Road appeal.
10. Thus, I heard that whilst 'rounding off' is defined in the CS glossary as development 'part of rather than an extension to' the built-up area of a settlement, the Council accept that to 'consolidate' or 'expand' is not confined to within settlement limits. Indeed, a reading of the glossary confirms the former as referring to developments that adjoin the main built-up area of a settlement, whilst the Council accept in their SPS that the appeal site can be considered to comply with the CS definition of expansion.

³ Ribble Valley District Wide Local Plan (June 1998)

⁴ APP/T2350/W/3221189 – Henthorn Road, Clitheroe

⁵ Supplementary Planning Statement – 20.07.2019

11. The appeal proposal would adjoin the Chatburn settlement boundary as it follows existing residential development fronting both Chatburn Old Road and Crow Trees Brow, regardless of whether the previous or HEDDPD settlement boundary was used as the basis for consideration. Furthermore, a development of the scale proposed in this instance would be broadly consistent with Chatburn's role as a tier 1 settlement.
12. There does appear, on the face of it, to be a degree of tension between CS policies DMG2 and DMH3. I heard that whilst the Council now accept that the former provides both flexibility and a permissive approach to development outside, but adjoining, the settlement the latter sets out criteria for residential development within the open countryside. The site is, I agree, predominantly beyond the HEDDPD settlement boundary limit and therefore falls within the open countryside.
13. However, the Council's SPS sets out a subtly different 'take' on the Council's refusal reason. Whereas the refusal reason, and therefore the basis for the appellant's Grounds of Appeal (GoFA), concerns the development of dwellings in the open countryside, the SPS accepts that the proposal amounts to expansion in CS policy DMG2 terms but that the appeal site is not closely related to the main built up areas of Chatburn.
14. I accept the reasoning set forth by both main parties in the appeal before me and based upon the Henthon appeal with regard to the former, but I disagree with the latter, of these approaches. The appeal site is well related in physical terms to the existing built form of Chatburn in the sense that the site backs on to existing housing on Crow Trees Brow. It also adjoins established housing on Chatburn Old Road and largely encircles the recently constructed housing development. It is no more 'on a limb' than existing housing, is well related in physical and visual terms to existing housing and is only a modest walk from the services and facilities at the foot of Chatburn Old Road.
15. I accept that from within the proposed development, it would be necessary for residents to walk 'the long way round' the recent housing development to exit the site and access Chatburn Old Road. Chatburn Old Road is narrow in places and does not benefit from a separate pavement. However, and notwithstanding the recent development and the current appeal proposal, Chatburn Old Road is a quiet rural lane largely due to it culminating in a dead-end just to the west of the appeal site entrance. It is a pleasant walk from the site to the services and facilities at the foot of Chatburn Old Road and, although uphill on the way back towards the appeal site, that did not appear to be particularly uncommon within Chatburn. It may act as a deterrent to walking for some, but not to the extent that it persuades me that the site is not closely related to the main built up area of Chatburn.
16. In any event, there is a public right of way which runs through the site and which provides an alternative means of access from the eastern corner of the site towards Crow Trees Brow. This would provide a shorter alternative route to the foot of Chatburn Old Road than access via Chatburn Old Road itself and again does not dissuade me from concluding that the site is anything but closely related to the main built up area of Chatburn.
17. Thus, for the reasons I have set out, I am satisfied that the proposal would benefit from the support to development set out by CS policy DMG2(1). I accept that the appeal site lies in the open countryside but it was agreed at the

hearing that it is the provisions of CS policy DMG2(1) which apply in this instance, not subsequent sections of that policy. The Council also accepted that the expansion of tier 1 settlements in such circumstances is allowed for by CS policy DMG2(1). It is not disputed that the proposal, in terms of its quantum, would be appropriate to a tier 1 settlement. The proposal would therefore accord with CS policy DMG2(1).

18. The Council has referred to two appeal decisions in support of their initial approach to CS policy DMG2 and the appellant to the Henthorn Road appeal in support the alternative approach. Although it was agreed that the Henthorn Road decision provided clarity over the policy's provisions, the Council noted key differences between Henthorn Road, being on the edge of a Principal Settlement, and the appeal site. However, although I do not have the full details of the Henthorn Road case before me, there seems to be little of difference between the two in terms of being on the edge of a settlement. As it was agreed that 9 units would be appropriate in the context of a tier 1 settlement and I have concluded that the proposal would be well related to the Chatburn, I give limited weight to the Council's examples, and also to the Council's argument that the weight attributable to the significance of the Henthorn Road decision should be limited.
19. Notwithstanding the above, even with the minor revisions set out in the HEDDPD to Chatburn settlement boundary, the majority of the site lies beyond the settlement boundary and within the open countryside. As such, CS policy DMH3 is of relevance and allows residential development where it meets an identified local need.
20. I heard much during the course of the hearing regarding the housing requirement for Chatburn, and the appellant submitted evidence breaking down the requirement, commitments and completions since 31 March 2014 to support their case. There was agreement that over the CS plan period there was a requirement for 27 dwellings for Chatburn, from which a commitment of 9 dwellings⁶ were subtracted, leaving a residual requirement of 18 dwellings.
21. Where there was, and remained, disagreement was in respect of the residual requirement for dwellings and the extent to which that requirement had been met or substantially met. It seems to me that, from all that I heard at the hearing, the reason for the difference between the main parties lies in the treatment of commitments and completions on sites that were, as at 31 March 2014, outwith the settlement boundary for Chatburn but which have subsequently been included within revised settlement limits.
22. Thus, there is either a residual requirement for 1 dwelling following the Council's approach, or 13 dwellings adopting the appellant's approach. Whilst this represents a noticeable divergence in housing numbers both approaches demonstrate that the minimum housing requirement for Chatburn has not been satisfied. The Council state that there are sufficient sites and land available within the settlement to satisfy these minimum requirements but other than the commitments set out in the tables in the appellant's evidence (and relied upon by both parties in discussions during the hearing) no further evidence was submitted regarding the available sites or land.

⁶ As at 31 March 2014

23. The Government's objective of significantly boosting the supply of homes is confirmed at paragraph 59 of the Framework. In either assessment put to me, the housing requirement for Chatburn for the plan period has not been met. The proposal would either help meet that requirement or contribute significantly to meeting it. However, housing requirements are not minima and, in the context of the Government's objective of significantly boosting the supply of homes, I am satisfied that the proposal, which I conclude is well related to the built up areas of Chatburn and is of a quantum appropriate to a tier 1 settlement, would contribute towards the housing requirements for Chatburn and the Government's objective of significantly boosting housing supply. There would, as a consequence, be no conflict with either CS policy DMH3 or DMG2, for the reasons I have set out above.

Other Matters

24. I heard the concerns of local residents during the course of the hearing, and have carefully considered the points raised, and also those submitted in advance of the hearing. Matters such as privacy and overlooking between existing and proposed dwellings, highways and access matters, ecology and biodiversity and public access to the public right of way are all technical issues and thus not before the decision maker in relation to an application for / appeal against a permission in principle. Such matters fall to be considered at the technical details stage.
25. Nevertheless, whilst I saw that Chatburn Old Road is narrow in places, particularly closer to the junction at the foot of the hill I have also noted that there was no objection to the proposal on highways grounds from Lancashire County Council. Although matters of detail would more appropriately be addressed at the technical details stage, in the absence of compelling highways objection I cannot conclude that the appeal site would not be suitable for residential development of the quantum proposed on highways grounds.
26. With regard to privacy and overlooking, I was invited to view the relationship between the appeal site and properties on Crow Trees Brow. Whilst such matters arising from any proposed layout will more appropriately be considered at the technical details application stage, I saw that the rear garden areas of properties on Crow Trees Brow were generously long. Insofar as applicable to an application for permission in principle I cannot conclude that the appeal site would not be suitable for the principle of residential development on these grounds.

Conclusion

27. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should succeed and permission in principle for up to nine dwellings be granted.

Graeme Robbie

INSPECTOR

Appearances

For the Appellant:

Hugh Richards	Of Counsel. No. 5 Chambers (instructed by Emery Planning)
Ben Pyecroft BA (Hons) Dip TP MRTPI	Director, Emery Planning
Rod Townsend	Nest Housing
Ronald Jackson	Nest Housing

For the Council:

Adam Birkett	Principal Planning Officer
Rachel Morton	Senior Planning Officer

Interested Parties

S Ball	Local resident
K Grooby	Local resident
Councillor G Scott	Ward Councillor for Chatburn
P Wells	Local resident
L Myers	Local resident
V Myers	Local resident
L England	Local resident

Documents

Doc 1	Record of Attendance
Doc 2	Report on the Examination of the Ribble Valley Local Plan 'Housing and Economic Development' Development Plan Document
Doc 3	Statement of Common Ground
Doc 4	Written transcript of statement read to the hearing by S Ball