



Appeal Decision

Site visit made on 14 July 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/T2350/W/20/3251360

Land to the south of 5 Chapel Brow, Longridge PR3 2YD

- 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 Mr Nicholas Pinder against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0649, dated 8 July 2019, was refused by notice dated 14 January 2020.
 - The development proposed is three two-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. The submitted plans show a layout of the site, however, I have treated this as indicative only.
3. The planning application form and appeal form use the description in the banner heading above. The application form and supplementary attachment to the application for planning permission described the proposal as 'affordable' housing on the basis that it would be delivered on a shared ownership: part-buy, part-rent basis for people with a local connection. The Council's report advises that the determination of the application was made on an assessment of the planning application as market housing pursuant to discussions and agreement with the Appellant. However, without sight of that agreement I have proceeded on the basis of the information provided on the planning application form and within the appellant's appeal submissions. For completeness, I also refer to market housing in the context of the local development plan.
4. There is some discrepancy between the main parties as to the lawful status of the land subject of this appeal. For the avoidance of doubt, it is not for me, under a section 78 appeal, to determine whether or not an existing development is lawful. To that end, it is open to the appellant to apply for a determination under s191 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s191 regardless of the outcome of this appeal.
5. The site is located adjacent to the St. Lawrence's Church Conservation Area (the CA). There is no dispute between the main parties that the proposed development would have no adverse effect on the setting of the CA. Having considered the proposal and visited the site, I concur with that view.

Accordingly, it is my view that the development proposed would preserve the setting of the CA and I shall make no further reference to this matter.

Main Issues

6. The main issues are the suitability of the location for housing and the effect of the development on the character and appearance of the locality.

Reasons

Locations for housing

7. The proposal seeks outline planning permission for the erection of three 2-bedroom self-build dwellings on the site which lies within a rural area beyond the Longridge settlement boundary.
8. The Council's strategic policies for the management of delivery of housing seek to restrict the majority of new housing to identified strategic sites and the principle settlements within the Borough, including Longridge. Policy DMG2 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (CS) restricts residential development outside defined settlement areas to a specified number of exemptions including development essential to the local economy and those meeting an identified local need that are secured for serving that need. Policy DMH3, amongst other things, also restricts housing to that which meets an identified local need.
9. The Council's evidence identifies that sufficient land is currently available within the Borough to meet a five-year housing land supply in accordance with its spatial vision. Accordingly, open market housing on the site would conflict with the requirements of the local development plan. However, the Council accepts that there is a current need for two-bedroomed affordable properties within Longridge.
10. The appellant confirms that the development would provide housing for two sons and a nephew with local connections, and their respective families. The application form suggests that this would be based on low-cost self-build units and would enable the families to be close to relatives in a highly priced borough.
11. The revised National Planning Policy Framework's (the Framework) definitions of affordable housing¹ post-date the adoption of the local development plan and include low-cost market housing. This is subject to conformity with specified qualifying criteria. However, of those requirements, it has not been demonstrated within the evidence before me as to whether the specified households' home ownership needs could not be met by the open market or that the homes would be available at prices or rent at least 20% below the local market rate/value. Furthermore, there is little detailed evidence to identify the proposal as any of the other types of qualifying affordable housing as defined by the Framework, nor is there a suitable mechanism before me to secure it as such for future eligible households.
12. The appellant indicates that the proposal would be a self-build project in a serviceable location. However, there is no substantive information submitted to demonstrate that the appellant, or the intended occupiers, are on the Council's

¹ in Annex 2 of the National Planning Policy Framework 2019

register of individuals and associations seeking to acquire serviced plots under the terms of the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Whilst the Act seeks to encourage contribution to housing supply from self-build and custom housebuilding sectors, such provision is not without due regard to the local development plan. Accordingly, in the absence of evidence to demonstrate that the Council is not meeting the registered demand for such plots, this is a matter of negligible weight.

13. Whereas the development would contribute to the local economy through its construction and future occupation it would not, in isolation, be essential to the local economy having regard to the scale of the settlement and other opportunities for housing delivery within it. On that basis, the economic benefit of the proposal carries limited weight in favour of a development that has not been demonstrated to fall within the scope of 'affordable' housing, or to meet any other specific housing need outside of the defined settlement area.
14. For the above reasons, I conclude that the proposed development would conflict with Policies DMG2 and DMH3 of the CS as they seek to secure the Council's strategic approach to housing delivery and suitable locations for residential development.

Character and appearance

15. The upper end of Chapel Brow lies within an historic part of the settlement area and features tightly spaced development along its southern side facing St Lawrence's Church. As the road drops and turns southwards, built development becomes more sporadic before opening out into an area of substantially undeveloped open countryside set about the Alston Reservoirs. The road is one of several extending from the town which serve the more dispersed pockets of housing and/or farmsteads south of the settlement area.
16. The site is a kept area of grassland and trees bordered by walls, fencing and hedging. Access is provided by a gateway at the point Chapel Brow narrows and changes from a formally surfaced rural lane to an unmade track and bridleway. The land is situated to the south of a small row of residential properties with open fields to the south and east. A reservoir embankment lies on the opposite side of the track.
17. The presence of some small sheds to the northern part of the land, arranged planting and a flagpole on the site distinguishes it from the more open agricultural land to the south and east. The relatively small contained area of kept grass and position alongside the annexed area to the side of 5 Chapel Brow gives it a greater sense of domestication than the adjacent more open rural areas.
18. However, the main area of the site remains undeveloped such that it provides a visual transition between the formal plots of the existing residential properties and the open countryside beyond. The proposal would result in the presence of a permanent form of development and the subdivision of the land resulting in a greater sense of formality and domestication. The effect would be to extend the loose ribbon of development into open land and give rise to an incremental encroachment into the countryside area south of the main settlement.
19. Although the proposal would retain the existing trees, the development would be visible from the southern fringes of the settlement area and local public

areas, including the bridleway. Notwithstanding that those views would be seen in conjunction with the reservoir and nearby homes, it would contrast with the predominantly open rural landscape. Whilst I acknowledge that the current degree of management of the site may reduce if the site remains undeveloped, this would be a matter of limited weight against the harm I have identified.

20. For the above reasons, I conclude that the development would conflict with Policies DMG1, DMG2 and DMH3 of the CS as they seek to protect the character and appearance of locations of new development.

Other Matters

21. In support of the appeal, the appellant has drawn my attention to other development sites in the locality, particularly with regard to the proximity of the site to local services. The Council accept that the location would provide suitable access to local services on account of the distance to the town centre and other facilities. Additionally, the erection of three residential units would contribute to the Borough's housing delivery and the construction could be achieved in an eco-friendly manner. However, taken individually or cumulatively, I do not find that these matters outweigh the totality of the harm identified.
22. I have noted the objections from local residents to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on these issues.

Conclusion

23. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR