



Appeal Decision

Site visit made on 4 August 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/E2340/W/20/3246823

Land to the east of Beckside, Hayfields, Salterforth BB18 5UF

- 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 Seddon Homes Ltd. against the decision of Pendle Borough Council.
 - The application Ref 19/0664/OUT, dated 29 August 2019, was refused by notice dated 6 November 2019.
 - The development proposed is up to 34 dwellings (use Class A3) with associated access roads, with all other matters reserved (relating to appearance, landscaping, scale and layout).
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Decision

1. The appeal is dismissed.

Procedural matters

2. Planning application 19/0664/OUT was submitted jointly by two companies. However, one of those companies has since gone into administration and has relinquished its interest in the land. The remaining above-named party is consequently the sole appellant in this appeal.
3. The appeal is submitted in outline with all matters reserved except for details of the proposed access. I have had regard to the location plan and proposed site plan showing the access point and an indicative layout. I have determined the appeal on that basis.

Main Issues

4. The main issues are the suitability of the location for housing development with particular regard to the scale of the proposal and accessibility to local services and facilities; and, the effects of the development on the landscape quality of the locality.

Reasons

Locations for housing

5. Policy LIV1 of the Pendle Local Plan Part 1: Core Strategy 2011-2030 (Dec 2015) (CS) states that housing should be delivered in accordance with Policy SDP3 and, until such a time the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies (LP2), sustainable sites outside but close to a Settlement Boundary which make a positive contribution to the five year supply of housing land. Such proposals will be supported subject to the spatial development principles set out in Policy SDP2 of the CS.

6. Policy SPD2 of the CS identifies Salterforth as a Rural Village. Rural Villages are recognised as the lowest tier of settlements having few or no services and being dependent on other service centres to provide for their needs. Accordingly, these small settlements are expected to accommodate development primarily to meet local needs. The policy states that additional development may be permissible within a settlement provided that they are of a nature and scale that is proportionate to the role and function of that settlement.
7. In relation to development in the countryside, this will only be permitted for those exceptions identified in the National Planning Policy Framework (the Framework), or policies in a document that is part of the development plan for Pendle. In the Framework, housing development in the countryside is limited to those responding to local circumstances and that reflect local needs.
8. The parties refer to the Council's Scoping Report and Methodology (SRM) as a preparatory tool for the LP2. Within that document, of the 12% of total housing to be delivered to serve Rural Pendle identified in Policy SDP3 of the CS, it is anticipated that Salterforth be allocated 8% of that requirement. This is equivalent to 46 dwellings over the plan period according to the appellant's submissions. There is little evidence before me as to any other assessed local housing need to serve Salterforth.
9. The Council's housing figures for Salterforth indicate that 59 completions have taken place within the first half of the plan period, with a further 3 commitments. This indicates delivery of about a further 30% of the envisaged total for the term of the development plan. The addition of up to 34 more units would consequently result in more than twice the projected requirement for the village.
10. The appellant's evidence identifies that anticipated housing delivery in other settlements, some of which achieve a higher ranking in the settlement hierarchy, is significantly below their target figure. However, of those settlements, Earby and Kelbrook are identified as a Local Service Centre and Rural Service Centre respectively. Such settlements are in stark contrast to Salterforth which has nothing of the services provided within those settlements to meet day-to-day living needs. Accordingly, it does not follow that Salterforth could or should accommodate the shortfall arising from other settlements. The effect would be to locate housing at greater distance from the services required to support it. Although the Council's highway advisors reference distances to local services as sustainable, this is in the context of local highway accessibility and is not therefore, in itself, determinative.
11. Salterforth benefits from some community amenities, including a primary school, church and public house; however, it has none of the convenience facilities, services, or employment opportunities that remove the pressure to travel to other settlement areas by private motor vehicle. Whilst residents in the village may sustain services elsewhere this would require significant trips which, for the majority, will be most easily facilitated by use of private transport.
12. In support of the appeal, the appellant refers to the recently completed scheme at the former Silentnight factory where recent housing development has taken place on account of it being found acceptable as sustainable development by the Council. However, the circumstances of that proposal are not the same as

the greenfield proposal before me. In that case the site had a former use and associated trip generation attached to that. Although there are local and regional bus services nearby, these do not have the frequency to provide convenient access to the range of services and opportunities that the village lacks.

13. Furthermore, Salterforth is a village of limited scale that has recently lost employment land to redevelopment for additional housing. In combination with other recent housing within the current development plan period, the proposal of up to 34 dwellings adjacent to the settlement would be significant. Together these areas would constitute a high proportion of both the village area and its housing numbers.
14. Unlike higher tier settlements, Salterforth is not intended as a focus for significant growth. In addition to requiring greenfield land outside the settlement boundary, the excessive increase would conflict with the identified role and function of the settlement established within the CS.
15. Although the site is available and local infrastructure could accommodate additional development in a manner that would be attractive to the wider housing market; I find that, in the light of the Council's housing projections, the addition of up to 34 additional homes would fall well beyond the scope of any identified local need about a settlement of such limited scale and service provision. The resultant degree of expansion would appear disproportionate in nature and scale to Salterforth resulting in harm to the character of the village as a small compact rural settlement. Moreover, the combined extent of development would undermine the Council's strategic spatial strategy aimed at directing new housing development to sustainable locations capable of providing direct and easy access to day-to-day services and facilities.
16. For the above reasons, I find that the provision of up to 34 houses in a location with limited services necessary for day to day living would generate a significant dependency on and increase in the use of private vehicles to meet those needs. It would therefore fail to reduce carbon emissions or the negative effects of climate change and would conflict with Policy LIV1 of the CS as it seeks to direct development to existing settlement areas or sustainable sites close to the settlement boundaries. Furthermore, the proposal would give rise to a disproportionate amount of development adjacent to a small Rural Village in contrast to the projected local housing requirement and its small-scale character. It would conflict with Policies SPD2 and SPD3 of the CS as they seek to direct the majority of new housing to sustainable locations in a manner proportionate with settlement roles and functions.

Landscape

17. Salterforth is a small village located in a lower glacial valley area surrounded by higher fells and moorlands. The settlement nestles within an undulating landscape where the general fall of the land is to the south and south-east according to the appellant's Landscape, Townscape and Visual Appraisal. The site lies outside but immediately adjacent to the existing settlement and appears as a crowned area of undeveloped grazing land representative of the local field pattern.
18. The site is partially bordered by built development, including recently completed housing along its western boundary. A green buffer of allotments

and extended gardens lie along the site's northern side. However, the land to the south and east is predominantly open rolling countryside with intrinsic open rural character and beauty.

19. The site shares much of this characteristic and is prominent in local views from the village. This is on account of the alignment and open vistas of several roads leading up to and close to the site; views gained from the higher position of residential properties within the village on land to the northwest; and, the location of the new properties immediately adjacent to it. The elevated crowned form of the land provides a prominent foreground which frames the views from adjacent parts of the village towards higher moorland in the distance. Accordingly, it contributes significantly to the outlook and views from those parts of the village and is therefore highly sensitive in the context of the local landscape.
20. Notwithstanding the potential to incorporate view lines and a green street, the presence of housing, particularly across the prominent brow of the site contours, would dominate views from both within parts of the existing settlement envelope and from the surrounding area. I observed that this would be particularly the case in immediate views available from the public footpath following a small watercourse which runs along the southern side of the site and a bridleway running north-south through the adjacent fields to the south-east. Set at higher levels, the substantial development of the site would close down the open green character about the footpaths and cause a significant change to the existing rural experience of those rights of way.
21. In the middle distance, the site is visible from the continuation the footpath to the south-east and, to a lesser degree, could be viewed along the nearby B6383 during colder months when the substantially deciduous trees bordering the road would be without leaf cover. Here, due to the rise and fall of the site, built development would appear to 'over-top' the existing natural buffer to the settlement edge provided by the existing landform. This would appear as an out-spill of built development. The effect would contrast to the nestled setting of the majority of the existing built settlement area and undermine its low visual prominence. As such, I find that the proposed housing would appear to encroach significantly into the existing open semi-natural land to the south-eastern side of the village that provides a positive landscape setting. This would result in harm to the rural character of the local landscape.
22. Although the development of the site would have more limited landscape impacts at greater distance, where the wider landscape scale of the views would demonstrate a more limited observable change, the effect from within and immediately about the village would be significant. Refinements to a final layout and/or incorporation of designed landscaping and site-edge planting within the scheme could seek to reduce the impacts, however, these measures would be secondary to the appearance of the site as a housing development and therefore would not overcome the harm identified.
23. For the above reasons, I conclude that the proposal would cause significant harm to the existing landscape quality and visible appreciation of it. The development would thereby conflict with Policy ENV1 of the CS as it seeks protection or enhancement of the landscape character with particular emphasis on areas of open countryside.

Other Matters

24. The appellant highlights that the Council's SRM identifies the locality as having sufficient infrastructure to support the amount of development proposed. In regard to local primary school places, there is local concern that capacity would be topped by the potential need arising from occupiers of the new development. However, the appellant has provided an assessment of the primary school attendance and identified that, of the current pupils, existing numbers are made up from those travelling from nearby towns where additional capacity exists in local schools.
25. In the circumstances, it is not unreasonable to expect new demand in the immediate locality to be prioritised in the entry year. Over successive primary education years the local demand would be met at the school and residual demand arising from residents elsewhere would be met within their respective settlements. Accordingly, travel demand for primary pupils would be reduced over time. I therefore conclude that the effect on primary school provision would be acceptable.
26. With respect to secondary education, a projected demand for 5 additional places is identified. The local education authority advises this could be met through a planning obligation. However, in spite of my findings in regard to school places, this does not overcome the harm I have identified above.

Planning Balance

27. Whilst there is no dispute that the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the parties disagree to the extent of the shortfall. According to the Council's evidence, whilst housing delivery in recent years has been above the annual requirement, housing land availability as of 12 June 2020 is limited to 3.31 years.
28. However, the appellant's evidence queries deliverability on several identified sites due to underestimated lead-in times arising from requirements to discharge pre-commencement and other conditions, and, in another case, scheme viability. Subsequently, the appellant arrives at a figure of 2.92 years supply. Whilst I would be inclined to agree with the lower projection on account of delays caused by the ongoing pandemic, this is a matter I shall return to below. However, it is clear a shortfall exists and it amounts to a sizeable one.
29. Consequently footnote 7 of the Framework applies which engages Paragraph 11 d). There are no policies in the Framework that protect areas or assets of particular importance on or about the site and which provide a clear reason for refusing the development as set out in para 11d) i). Therefore, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (para 11 d) ii of the Framework).
30. As set out above, the proposal for housing in the countryside area does not address an identified local need and, taken with recent nearby development, would lead to a disproportionate amount of permanent forms of housing within and close to Salterforth. This would be in a low performing settlement with limited services, facilities and employment opportunities necessary to support day-to-day living to the extent that it would encourage use of private transport

and the use of natural resources that conflict with the aims of contributing to the reduction of carbon emissions and mitigating climate change. This is a matter to which I attach significant weight.

31. In addition, the development of the site would have a permanent significant effect on the locally valued landscape and experience of it such that it would fail to contribute to and enhance the natural and local environment. This is also a matter to which I attach significant weight.
32. I now turn to the benefits of the proposal. The development would provide additional housing including affordable units. The contribution of up to 34 houses would assist in meeting the Council's housing targets. The delivery of 34 units, however, would only make a small contribution to helping to address the scale of overall housing supply. It is therefore a matter of moderate weight.
33. The offer of 6 affordable housing units would be just below the required provision set out in Policy LIV4 of the CS in the event that 34 houses were provided. This would constitute a benefit in perpetuity subject to a mechanism to secure the units as affordable housing for their lifetime. This attracts additional weight on account of the large shortfall in affordable housing provision in the Borough. However, although the appellant seeks this to be secured by planning condition, reflecting Policy LIV4, the National Planning Practice Guidance advises that affordable housing provision should be secured through a planning obligation. Only in exceptional circumstances should a condition requiring a planning obligation or other agreement to be entered into be considered. In the absence of a completed agreement or stated exceptional circumstances, there is no suitable mechanism before me to secure the affordable units; accordingly, this benefit attracts limited weight.
34. The indicative plan shows an area of public open space to be provided within the development. If delivered and suitably managed, this would provide opportunities for outside play and recreation for local residents, including those outside the development. However, there is no detail or firm undertaking at this juncture to secure its provision, retention or maintenance in perpetuity, and is therefore a benefit that also attracts limited weight.
35. Through the retention of existing trees, a hedgerow and landscaping of the development, including semi-natural grasslands and wetland about a sustainable drainage system, the proposal would deliver a development with limited flood risk and increase the diversity of landscape elements. However, as issues required by the development plan these are matters of negligible weight.
36. Taking the above points together, I find that even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does not therefore apply.

Conclusion

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

R Hitchcock

INSPECTOR