



Appeal Decision

Site visits made on 7 and 14 January 2025

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2025

Appeal Ref: APP/T2350/W/24/3352614

Land to the east of Salesbury View, Wilpshire Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Persimmon Homes Lancashire against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2023/0614.
 - The development proposed is erection of new residential development comprising 84 new homes, including 30% affordable housing, open space and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given on the decision notice differs from that stated on the application form. This reflects the fact that amended plans were submitted during the processing of the planning application, which included a reduction in the number of proposed dwellings from 85 to 84. As Section E of the appeal form confirms that a change was made to the description in this manner, I have used the amended description in the banner header above.
3. I visited the appeal site, accompanied, on 7 January 2025. The residents of 3 Wilpshire Banks, 4 Whalley Road and 6 Whalley Road also requested that I view the appeal site from their property, and I was able to do so on my site visit. However, due to inclement weather on that day, I carried out a further unaccompanied visit to the wider environs on 14 January in order to obtain optimal views of the site from public viewpoints, including public rights of way.
4. A new version of the National Planning Policy Framework (the Framework) came into effect in December 2024. Accordingly for the purposes of this decision I have referred to the latest version of the Framework. The main parties have been given the opportunity to comment on the revised Framework. Therefore, I am satisfied that no one would be prejudiced by this change to the national policy context.
5. During the appeal a planning obligation pursuant to s106 of the Town and Country Planning Act 1990 (as amended) (the Act) has been submitted. It includes obligations to come into effect if planning permission is granted. I return to this matter later in my decision.

Preliminary Matter

6. Almost all the appeal site is allocated for housing in the Local Plan for Ribble Valley 2008-2028, Housing and Economic Development – Development Plan

Document, adopted 15 October 2019 (DPD). However, the red edge site boundary also encompasses unallocated land within the settlement boundary in the southern part of the site and part of land within the Green Belt in the south-eastern part of the site. These areas comprise very steeply sloping wooded land within which no development is proposed. The effect of the proposal on the Green Belt is not a reason for refusal in the decision notice. From the information available to me, I agree with both main parties that the proposal would not be inappropriate development in the Green Belt under the terms of the Framework. It would not be harmful to the openness of the Green Belt or to the purposes of including land within it. As such, I make no further reference to the site's partial location in the Green Belt in this decision.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

Site Context

8. The appeal site comprises parcels of steeply sloping open fields and grazing land on the edge of the settlement Wilpshire. The southern part of the site has particularly steep and heavily wooded gradients and includes Knotts Brook, part of which forms the administrative boundary with Blackburn with Darwen Borough Council, beyond which is residential development. To the north and west is residential development. The eastern boundary predominantly comprises of a low drystone wall and timber post and wire fence, beyond which the land continues to rise and comprises open agricultural fields within the Green Belt.
9. The site falls significantly in level from the highest point in the north-east corner down towards the rear of properties along Salesbury View to the west and to the wooded Knotts Brook to the south. Two distinct interspersed rows of trees separate parcels of land within the site. In addition, high voltage power lines traverse the southern part of the site in an east west direction with two pylons located on the site. A Public Right of Way¹ (PRoW 25) runs through the wooded section of Green Belt land to the south and proceeds close to the eastern boundary of the site. The site would be accessed off Salesbury View, a relatively steep road that provides access to four properties along Salesbury View and to the rear of several properties along Whalley Road.
10. Being located towards the edge of the settlement, the site is part of a transition zone between the rural edge and the more built-up part of the settlement. Due to the change in land levels, the site occupies a prominent position and is visible from numerous public viewpoints, including a network of roads and public rights of way in the surrounding countryside.

¹ Public Right of Way 0346025

Layout

11. The layout has been largely dictated due to the constraint of the overhead power line, the site's topography and a large diameter water main and a row of trees that cross the site. The single access into the site runs westwards towards the centre of the site and sweeps almost 90 degrees to continue northwards, largely following the contour of the hillside to end in a cul-de-sac. Either side of the north section of the estate road would be split level semi-detached and detached dwellings surrounded by landscaping to the boundaries of the site.
12. At the southern end of the site, a semi-circular crescent of detached dwellings would front an area of open space that follows the route of the overhead power line and includes an attenuation pond and play area. Two cul-de-sacs of dwellings sit centrally within the site and extend towards the east and west boundaries.
13. Two pedestrian routes to PRow 25 would be incorporated within the proposed layout as well as a pedestrian route linking the east and west parts of the site alongside an existing row of trees, which forms a further band of open space across the site. These linkages would allow permeability through the site and into the surrounding countryside.
14. The layout allows for a mix of frontage and side parking, attached, detached and integral garages separated by frontage tree or hedge planting within front gardens. While Plots 12 to 17 rely on frontage parking, this would be a relatively short stretch of cul-de-sac located integrally within the overall site. It would not be readily apparent when viewed from outside the site or from the main internal access road and would not dominate the overall layout. Furthermore, following amendments and details of clarification during processing of the planning application, the Highway Authority have not raised an objection to the highway layout of the scheme.
15. Although separation distances between dwellings in the northern part of the site would be less generous than properties off Whalley Road to the west, they would be comparable to those between dwellings on Hollowhead Avenue and Beaver Close to the north. The linear form of development in this area also respects the contours of the site as is similarly the case along Hollowhead Avenue and Beaver Close, as well as the linear alignment of Whalley Road and the railway to the west of the site which run in a north/south direction. I saw other linear residential development at my site visit on the facing valley hillside at Paris, Waverley Road and Isle of Man. The proposed arrangement is therefore not uncommon in the area.
16. The Council's concerns relating to the northern part of the site centre around the significant changes to landform. It is inevitable, due to the topography and geology of the site, that in order to achieve the proposed layout, significant earthworks and extensive retaining structures would be required.
17. Consequently, the approach across the scheme would be to address levels within individual parcels in different ways, and in the northern area, split-level dwellings and gardens, along with landscaping where level changes would otherwise be particularly apparent. The appellant's evidence² indicates that dwellings to the east of the northern access road would generally include a retaining structure along the

² Schematic External Works Layout sheet 1 and 2 (Drawing Nos 210687-EDGE-XX-XX-DR-C-1098 and 1099 Revision PO5)

rear garden boundary. Gardens to the west of the access road would be tiered and would incorporate, for the most-part, a retaining feature between the upper and lower gardens and between the lower garden and adjacent land.

18. The retaining structures and dwellings would be clearly visible, particularly in close views from properties to the west of the site on Wilshire Banks where the dwellings would be at much higher land levels. It would take time for the proposed landscape buffers between these properties and the new dwellings to mature. Nonetheless, provided reasonable sized specimens were used within the landscaping scheme at the outset of planting, due to the distance, the visual appearance of the structures and dwellings would be lessened, as is the case with existing surrounding development. Should I be minded to allow the development this could be dealt with by the imposition of a suitably worded condition.
19. Notwithstanding the above, higher retaining structures would be constructed within other areas of the site close to the boundaries where it has not been clearly demonstrated there would be sufficient space to accommodate landscaping to screen the structure and/or the proposed dwellings. This would particularly be evident to the rear of several plots.
20. From the evidence available, in order to ensure an acceptable road gradient, the proposed two storey dwelling at Plot 7 would be approximately 5m above the land level at the boundary of the site with the rear garden of 22 Whalley Road (No 22), and would include a 3m high retaining structure with a close boarded fence above. I observed the tall evergreen trees along this boundary are located within the garden of No 22 and their retention cannot therefore be guaranteed to screen the proposed development. Although two silver birch trees are located within the appeal site close to this boundary, the appellant's arboriculture information³ identifies these would be removed to facilitate the retaining structure requirements. As such, I find the limited separation to the boundary in combination with the proposed tall retaining feature and level difference to the dwelling on Plot 7 would result in a cramped and incongruous layout in this part of the site, out of character with the prevailing building pattern.
21. Turning to Plot 28, the proposed plans⁴ indicate a 2m and 3m high retaining structure surrounding the curved rear/side garden of Plot 28 with the driveway for Plot 11 adjacent at lower level, together with an additional screen fence/wall above. On the basis of this information, this could result in an overbearingly high boundary feature which would be highly visible forward of the building line of Plots 7 to 11 and would face towards a pedestrian route and open space.
22. Plots 54, 64 and 65 would be sited close to the central eastern boundary of the site and the land re-profiled with tall retaining features to accommodate the plots. However, the layout would fail to provide a sufficient landscape belt to define the settlement edge and provide an appropriate transition between built development and the open countryside in this area. PRoW 25 runs along the boundary of the site directly parallel with these plot boundaries on the opposite side of the drystone boundary wall. Due to the small gap, extensive earthworks and the abrupt change

³ Arboricultural Impact Assessment and Method Statement, Revision D Ref MG/6631/AIA&AMS/RevD/Jan24, tba landscape architects, January 2024.

⁴ Schematic External Works Layout sheet (Drawing No 210687-EDGE-XX-XX-DR-C-1099 Revision PO5) and Proposed Boundary Treatment Plan Drawing No 103 Revision P4

in levels, there would be limited opportunity to provide meaningful landscaping in this area, a highly sensitive part of the site.

23. Whilst gardens and driveways that incorporate retaining features are evident along Wilpshire Banks and Whalley Road, I observed these assimilated within the landscape due to set backs from the road and/or stepped retaining features. That would not be the case relating to the above plots, which would be more prominent. I also observed the harmful effect that significant sized retaining walls have at the interface between urban and rural area where there is an absence of a landscape buffer, as I saw at 22 and 24 Hollowhead Avenue.
24. The Council claim the landscape buffer to the rear of Plots 3 to 6 is insufficient and I recognise that the rear gardens on these proposed plots would require a retaining feature between 2.5m and 3m high. However, due to the generous size of the garden of No 22 and the single storey scale of the dwellings on these plots, I consider the separation distance between the retaining structures and the boundary in this location, which is less steep than other parts of the site, would be acceptable.
25. For the above reasons, the proposal results in a contrived layout with very tall retaining features close to the boundaries which are themselves visually intrusive and a symptom of overdevelopment. The proposal fails to demonstrate that the layout can be accommodated within the appeal site while maintaining an acceptable degree of separation to the site's boundaries. The scheme therefore fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Landscape and Visual effects

26. Policy DMG1 of the Core Strategy 2008-2028, A Local Plan for Ribble Valley, adopted December 2024 (CS) states that in determining planning applications particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.
27. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where the development can be viewed, such as villages, roads, public rights of way and individual dwellings.

Landscape Character

28. The site lies within the Lancashire Character Type 7: Farmed ridges and 7a: Mellor Ridge as defined by 'A Landscape Strategy for Lancashire', dated 2000 (LS). Because the site comprises the rounded ridge profiles and valley slopes of mixed farmland and woodland, it exhibits key features characteristic of this semi-rural landscape type and contributes positively to the wider appearance of the area.
29. However, the site is close to the edge of Wilpshire near to houses and businesses, and consequently its overall landscape character includes the nearby urban landscape.
30. The appellant's Landscape Character and Visual Impact Assessment⁵ (LCVIA) focusses upon the visual effect from key receptors in the surrounding area and

⁵ Landscape and Visual Impact Assessment, Pegasus Group, Ref P21-0362.ROO1v4, dated January 2024

concludes that views of the site are contained and limited to locations within close proximity with wider views generally restricted by vegetation and existing development.

31. The proposal would represent a significant change in character from a largely open, grassed site intersected by two distinct rows of trees with woodland along the southern edge to an estate-type housing development that would occupy a large part of the site. The dwellings would be plainly visible from the surrounding area and would represent a substantial incursion of development into the countryside. It is clear the development of houses on the site would inevitably change the otherwise open pastoral character of this greenfield site. Change arising from development is not synonymous with that equating to harm and change of this nature would be an inevitable consequence of developing the site in accordance with the allocation.
32. The plans show a built housing envelope of development stepped back from the boundaries of the site, with landscaping, including retention and enhancement of an existing row of trees crossing east to west on the site, along with increased landscaping to form buffers to the boundaries on the northern part of the site. A large area of public open space including trees and an attenuation pond would break up the mass of development. While the development's size and scale would still result in an urban incursion into the countryside and would expand the settlement, I saw that creeping development on valley slopes is a common feature of the area.
33. The site benefits from being immediately adjacent to the settlement boundary but the steep slope of the site means that rows of dwellings would step up the hillside and reveal the full depth of development. Nevertheless, it is contained, to a large extent to the west and north by existing residential development, and to the south, by a belt of woodland. The development would be seen in its wider context with the surrounding built development, the overhead power line and intervening vegetation. Views of the upper shoulder and ridge of the hill as it rises to the east would still be obtainable when viewed from high land along surrounding public rights of way and houses on the opposite valley slope.
34. The woodland to the south and development to the north and west would remain as a key visual characteristic of the area, though there would be visual and spatial loss of the rural context that lies beyond the site to the east. This would be from the introduction of large amounts of built form, albeit the extent of the development would not protrude eastwards beyond the existing built limits of Hollowhead Avenue and Warrenside Close.
35. In this respect, the visual envelope of the proposed development would be contained, and the loss of the fields would be localised to the site and its immediate context. Over time landscaping proposed on the northern edge of the housing parcel and within the site would filter obtainable views of buildings. The land would be perceived to be part of the settlement and not countryside on the edge of the settlement as it currently is.
36. Based on the evidence before me and my own observations of the site and the surrounding landscape, I agree in part with the appellant's conclusion that, even though the magnitude of change upon the site itself would be high, the residual

effects on the immediate landscape character would be moderate and on the wider landscape character would be minor.

Visual Effects

37. Turning to visual effects, visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape. The LCVIA has assessed the visual effects of the proposal from several key viewpoints. During my site visits I was able to observe the site, and its context, from several important local viewpoints, including those identified in the LCVIA.
38. The LCVIA identifies users of PRoW 25 are considered to be of high sensitivity (viewpoints 1 and 2). I found the walk along the path to be a pleasant environment which is clearly well used given the number of passers-by I encountered even at the mid-afternoon hour. From my observations and the visualisations provided from this location, PRoW 25 allows views through the site from the public realm. It is clear that the view here from the open grassland would change considerably. Over time, landscaping may soften the appearance of the estate along the boundaries. However, as set out above, even though I accept steep sites are capable of accommodating planting, there would be a sharp contrast in the immediate landscape within the central-eastern section of the site where PRoW 25 runs alongside the site boundary. This would be due to the extensive earthworks required to re-profile the land combined with limited scope for a meaningful landscaped buffer at a point that would be extremely open and visible.
39. Pedestrians would have their enjoyment of the footpath significantly harmed. Indeed, it is recognised in the LCVIA that landscaping mitigation to the eastern boundary is key in reducing visual impact and mimicking the character of other built form on surrounding valley sides. The LCVIA methodology defines the 'high' magnitude of change as a major change in the view that is highly prominent and has a strong influence on the overall view but indicates the magnitude of harm from PRoW 25 in Year 15 would be moderate. Given my assessment above in relation to the limited space available for a greater density of planting alongside the central-eastern boundary, even during the months when leaves would be on trees, the LCVIA's significance of effects downplays the magnitude of change and overplays the beneficial effects of landscaping mitigation in this area. As such, effects upon completion and Year 15 for the site would be greater than the LCVIA indicates. Even in the long-term there would be a permanent high, major adverse, magnitude of harm.
40. The LCVIA indicates that due to the maturation of mitigation planting to the eastern boundary in viewpoints 4, 6, 7 and 9 the magnitude of change to views would change from low/medium/high in Year 1 to very low/low in Year 15, which would result in a minor/moderate adverse effect in Year 15. However, for the same reasons given above in relation to the limited space to provide meaningful landscaping mitigation within the central-eastern part of the site, I am not convinced the resultant effect in the long term would be as predicted but would be higher. I do, however, recognise that views would lessen with distance and that the experience and views of the viewer would vary depending upon relative elevation, angle and screening. Views would also be intermittent, transitioning and changing as the viewer moves towards and away from the viewpoints identified.

41. Viewpoint 8 relates to people using or living on Salesbury View who, as acknowledged in the LCVIA would experience a high magnitude of change in Years 1 and 15 resulting from a major adverse effect even with landscape mitigation. The quantum of development and its urban form would be in stark contrast to the current undeveloped fields. This would also be the case when viewed from surrounding properties on Whalley Road, Wilpshire Banks and Hollowhead Avenue.
42. However, this would be likely to be the case for any greenfield site allocated for development. While views would change, there would be a considerable depth of landscape buffer to surrounding properties, particularly within the northern part of the site. Due to its depth, it would ensure proposed dwellings would not appear overbearing when viewed from surrounding dwellings despite the incline of the land. I recognise the strength of representation from some members of the public and accept that the effects of the proposal would be significantly appreciated from surrounding properties. However, in planning terms, there is no right to a view. The relatively linear, stepped form of the development interspersed with landscaping would not be noticeably dissimilar to other housing developments located on rising land in the local area.
43. With the exception of the western boundary to Plot 7 for reasons set out above, because of the proposed landscape buffer, the existing garages along Salesbury View and the depth of existing and proposed gardens the visual effect of the development from viewpoint 8 and surrounding dwellings would be diminished. In my view the proposed development could be successfully assimilated in proximity to neighbouring properties.
44. From my observations on site, I am largely in agreement that the development would result in negligible adverse impacts over the much longer distant views of the appeal site. Due to the distance from viewpoints 3 and 5, the site would be seen nestled close to existing woodland and surrounding residential development next to the eastern fringe of Wilpshire. From here the level of harm would be minimal.
45. Notwithstanding, it has not been demonstrated that the buffer along the central-eastern boundary and PRoW 25 would be effective in mitigating the landscape and visual impact of the development in the long term. The LS seeks that the character of ridge settlements is conserved through the softening of abrupt urban edges. The proximity of the proposed dwellings within this part of the site to open countryside and PRoW 25 would not be perceptibly softened but would result in a highly conspicuous urban edge, the immediate visual effect of which would be harmful. Whilst the land would be used efficiently, it would compromise the quality of the environment in this regard.

Scale

46. Scale relates to the height, width and length of each building in relation to its surroundings⁶. The provision of roof-level accommodation would result in some proposed dwellings to be more prominent than others, with significant ridge heights. Notably, almost all of these dwellings would be split level and positioned on the northern part of the site where they would be seen against the incline of the hillside in front of a belt of proposed trees and behind street trees. Plots 18 to

⁶ MHCLG National Design Guide, January 2021

21 would comprise two pairs of semi-detached 3-bedroom properties located close to the initial part of the internal access road. The ridge height of these dwellings would be high and would include a photovoltaic roof panels, a small dormer in the front roof slope and a rooflight on the rear slope to accommodate a third floor of accommodation. The four dwellings would not dominate the approach into the wider site because they would be flanked by large two-storey corner detached dwellings and face towards an area of open space, thereby adding variety within this part of the site.

47. At my site visit, I saw other split level dwellings of similar height along Wilshire Banks where, facing the road, three floors of accommodation include integral garages. In addition, imposing traditional properties at 22 and 24 Whalley Road, which are set back from and higher than the road, also include three floors of accommodation within gabled projecting features. The proposed use of split level dwellings would be an acceptable way to adapt to the site's topography and is evident in the local area.
48. In general design terms, there would be a variety of house types. The surrounding area largely includes a mix of traditional and contemporary architecture accompanied by a mix of materials and detailing. The elevations of the proposed dwellings would be incorporate features found in the area including, amongst other things, exposed rafters, chimneys, gables, bays and dormers and would suitably reflect the scale and appearance of house types that exist in the surrounding area albeit with a more modern emphasis. In these respects, I am satisfied that the dwellings would appropriately reflect the context of the locality.
49. Within their evidence, the Council confirmed that external materials could be appropriately and necessarily managed through a planning condition.
50. Given the quantity and distribution of open space across the site, the perception of built form would be diminished. The resulting varied scale and appearance of dwellings would offer variety and interest to the proposed street scene and would assist in its legibility and sense of place. I am therefore satisfied the scale of the development would be acceptable.

Density

51. The Council do not dispute the principle of residential development on the site and given the allocation in the development plan I have no reason to form a different view. No specific quantum of development is set out in Policy HAL or Policy HAL2:Land at Wilshire of the DPD. However, the supporting text advises that, in addition to the electricity line crossing the site, its topography presents issues in terms of visual impact and restrictions on capacity. Policy DS1 of the CS sets out the development strategy for the Borough including the distribution of housing. Table 4.12 of Policy DS1 states that 66 houses are required within the settlement of Wilshire to meet housing needs within the plan period up to 2028. While I have no information before me about the delivery of housing in the area, the Council's evidence confirms that the figure of 66 is not a cap on the amount of development that could be provided on the appeal site and on the basis of the appeal documentation I have no reason to disagree.
52. Policy DMG1 of the CS sets out general considerations for development in relation to design, access, amenity, the environment and infrastructure. In terms of design, it requires, amongst other things, that all development must consider the density,

layout and relationship between buildings. Paragraph 129 of the Framework supports development that makes efficient use of land while safeguarding the environment. Planning Practice Guidance also provides advice with respect to density⁷, requiring consideration of such matters as plot ratio, bedspace per hectare and dwellings per hectare.

53. I acknowledge that the density of the development would be low in terms of the number of dwellings per hectare. However, an assessment of density alone does not take account of the site's context and constraints. This is recognised in Policy HAL2 where topography and an overhead power line are significant constraints to development. Given this, the proximity to the wooded area of Green Belt to the south, and the retention of a tree belt crossing the site, the higher density of development would be concentrated centrally within the site with areas of lower density concentrated to the north and south. In this case, the Council alleges the amount and density of development would harm the character of the area, particularly within the northern and eastern parts of the site.
54. The appellant calculates the density of the proposed development would be approximately 17 dwellings per hectare as measured by the number of dwellings within the appeal site⁸ and density of development within the northern and southern parts of the site would be slightly lower. Even taken as a ballpark this would be very low and would be commensurate with the surroundings. I recognise the overall density figure would include the open space identified around the attenuation pond, trees and buffer areas.
55. In terms of the surrounding housing development, there is a variation to the size and style of properties. Housing to the north of the appeal site towards the end of Hollowhead Avenue and to the west off Whalley Road, including Wilshire Banks and Salesbury View, reflects a more spacious form of development with predominantly detached properties in generous plots. Beyond the wooded valley of Knotts Brook to the south of the appeal site, Warrenside Close and Walden Road are more tightly arranged housing estates with a varying degree of separation between properties, although most properties have landscaped front gardens, which positively contributes to the character of the area. Elsewhere in Wilshire there is also terraces of properties.
56. Whilst the plot ratios for proposed properties within the central and northern part of the site may not be as spacious as those off Whalley Road and Hollowhead Avenue, having regard to the nature of the village as a whole, the low overall density of development proposed on the site would be acceptable.

Conclusion on Character and Appearance

57. Given the above, I find the overall density and scale of proposed development would be acceptable. I also find the identified moderate adverse landscape harm would be localised only and not therefore cause a significant adverse effect on the wider landscape character of the area. However, although I find these aspects of the development would be acceptable in terms of the impact on the character and appearance of the area, as set out above, I find the layout and resultant visual effects on the landscape would not be acceptable. The proposal would fail to deliver a high-quality, visually attractive development.

⁷ Paragraph: 005 Reference ID: 66-005-20190722

⁸ IDPartnership Northern, Statement of Case N81:3203, dated 20 September 2024

58. It would therefore cause significant harm to the character and appearance of the area and be contrary to Policy DMG1 of the CS. This policy requires, amongst other things, that developments are of a high standard of building design, sympathetic to existing and proposed land uses and consider the density, layout and relationship to surroundings, including impact on landscape character. This policy also requires that regard is had to the landscape or townscape of an area and the importance the open space has on this.
59. The proposal would also be contrary to paragraphs 129 and 135 of the Framework which outlines, amongst other things, the importance of securing well-designed, attractive places. It is also outlined that decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Planning Obligation

60. The completed s106 Agreement is signed in counterpart, each with an identical clause to confirm that each counterpart is a duplicate original and that, together, they constitute one agreement.
61. Framework paragraph 58 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs) confirm that planning obligations must only be sought where they meet each of the following three tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
62. The s106 Agreement would secure financial contributions towards 22 primary education places, enhancements to PRow 25 to provide a footbridge over Knotts Brook and re-surfacing, off-site public open space improvements to facilities at Durham Road play area and recreation ground and the monitoring of a travel plan. The s106 Agreement also includes mechanisms to secure the phased delivery of affordable housing, including First Homes, over 55's housing, and the provision of on-site landscape and public open space, along with its subsequent management and maintenance.
63. Policy DMI 1 of the CS sets out the infrastructure that new developments are required to provide or contribute to and includes the provision of education, open space, affordable housing and improvements to highway safety that cannot be covered by planning condition or s278 Highway Agreement.
64. This policy is supported, in some cases, by formulas used to calculate the amount of the contribution. I am satisfied that the pressure on these services and facilities will potentially increase as a result of the appeal proposal and consider that the scale of contributions towards the provision of education places, off-site open space, PRow improvements and the monitoring of a travel plan would comply with the tests set out above. The provision and maintenance of on-site public open space is necessary in order to ensure that the proposal functions as planned and the proposal would secure affordable housing as required by Policy H3 of the CS.
65. In summary, I find the planning obligations relating to affordable housing, education, PRow 25, on and off-site open space and travel plan are necessary to make the development acceptable in planning terms, directly related to the

development and are fairly and reasonably related in scale and kind to the appeal development. They meet the statutory and policy tests of the CIL Regs and the Framework and the requirements of the CS. I am therefore able to take them into account in my decision.

Other Matters

66. Interested parties have raised several other concerns including, but not limited to, highway safety, flood risk and drainage, wildlife and biodiversity interests, local infrastructure, facilities and services, parking, privacy, pollution, air quality, climate change and loss of agricultural land. However, the Council did not refuse the application for these reasons and as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Planning Balance

67. The Framework seeks to boost the supply of housing and has a strong pro-growth agenda. The proposal would provide for the delivery of 84 new dwellings and would develop an allocated housing site in an accessible location. Therefore, I give this matter considerable weight in favour of the proposed development.
68. Nonetheless, the proposal is in conflict with the development plan in respect of the effects on character and appearance.
69. The infrastructure improvements delivered through the signed s106 are required to meet policy objectives to address the impact of the development and therefore cannot be deemed as a benefit. They are of neutral weight in the planning balance. Nonetheless, the delivery of 30% affordable housing, amounting to 25 new homes, would be deemed to be a direct benefit of the scheme. It has been identified by the appellant that there is an unmet need for affordable homes in Wiltshire and the Ribble Valley and this would be partly addressed by the proposal. As such, the provision of affordable homes would be a benefit of significant weight in favour of the development.
70. The proposal would also deliver economic and social benefits through the creation of construction jobs and training as well as post construction through future occupiers spending and potentially working in the local area. However, this gain would be delivered on any housing site and therefore this provides only moderate weight in support of the proposed development. The proposal would provide biodiversity benefit through enhancement and maintenance of landscaping including replacement and new tree planting and wildflower planting. I afford this moderate weight.
71. The development would incorporate open space for use by occupants of the proposed dwellings and others but this is an expectation of well-designed schemes. Measures such as solar panels and electric vehicle charging points would contribute to climate change adaptation, but there is little to suggest the development would be particularly innovative or that it would go beyond the requirements of the development plan in this regard.
72. Taking all of these considerations together in the overall planning balance, the harm that I have found to the character and appearance of the area would not be outweighed by the benefits when taken individually or cumulatively.

Conclusion

73. The proposal is in conflict with the development plan, when read as a whole. Material considerations have not been shown to indicate that a decision should be taken otherwise than in accordance with it.
74. Therefore, for the reasons given above the appeal should be dismissed.

A Veevers

INSPECTOR