



Appeal Decision

Site visit made on 30 June 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/T2350/W/25/3363889

Land off Elker Lane, Billington, Clitheroe, Lancs

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Elker Developments Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2023/0739.
 - The development proposed is described as an outline application for the development of a Class C2 Continuing Care Retirement Community.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters for consideration apart from landscaping. I have dealt with the appeal on this basis and treated any details not to be considered at this stage as being illustrative only.
3. The details of the appellant that are on the appeal form are different from those which are set out on the planning application form. I am however satisfied that the appellant has the authority in order for the appeal to proceed. As an appeal can only ordinarily proceed in the name of the applicant, it is those details which are included in the banner heading above.
4. The revised National Planning Policy Framework (Framework) has been published since the Council made its decision. All parties have had the opportunity to comment on this matter through the usual appeal timetable deadlines and I have considered the revised Framework in my decision.

Main Issues

5. The main issues are (i) whether the proposal would be in a suitable location with regard to the spatial strategy of the development plan, concerning development in the open countryside; (ii) the effect on the character and appearance of the area; (iii) the accessibility to local services; and (iv) if harm arises, whether this would be outweighed by the benefits of the proposal.

Reasons

Spatial Strategy

6. The appeal site comprises an area of agricultural land that is set back and lies to the west of Elker Lane. Access is taken from Elker Mews, which is shared with an

over 55s accommodation complex. Further agricultural land bounds the site to the north up to the A59, and to the west. There is a further area of open land up to Elker Lane which has an extant planning permission for a children's nursery. A school and the village of Billington lie east of Elker Lane. The remainder of the surrounding area is countryside, with occasional development.

7. Policy DMG2 of the Council's Core Strategy 2008-2028 A Local Plan for Ribble Valley (2014) (Core Strategy) provides for development requirements on the basis of a tiered hierarchy of settlements. The site lies beyond the defined settlement boundary of Billington and so is deemed to be in open countryside. Irrespective of the proximity of the site to Billington as a Tier 1 village, this policy restricts development to meeting one or more of the considerations that it sets out. Of those, and whilst the development would have some economic benefit, it would not reasonably be essential to the local economy because its purpose would be as a form of residential development.
8. The same applies as regards the social wellbeing of the area. While the appellant has put forward a needs based case and there would be benefit in providing retirement accommodation that would no doubt attract interest from prospective residents, the criterion sets a higher bar in requiring development to be essential. Nor do the particular circumstances of the future residents seem to be known in order for it to be ascertained whether it would be essential for them to reside in the proposal. To take a different view would be to deflect from the Core Strategy's development strategy of directing development towards its principal settlements and tier 1 villages, not open countryside.
9. The policy also refers to local needs housing which meets an identified need and is secured as such. The occupation of the proposal would not be restricted in such a way, based on the evidence before me, because the restriction would apply to eligibility for living in a continuing care retirement community. I raise concerns with the submitted Unilateral Undertaking (UU) later in my decision, but even if weight could be attributed to it, qualifying purchasers would simply have to reside in the Council area rather than being local to this particular part of the area. With the quantum of development, it would be greater than what can be deemed to be of a smaller scale. None of the considerations of Policy DMG2 would be met.
10. Policy DMB1 of the Core Strategy largely concerns the expansion of existing and established firms, and alternative uses on employment sites. Even if supporting business growth and the local economy can be deemed to include a residential form of development, it is the subject of other policies of the Core Strategy. I have already set out that the proposal would not meet the criteria of Policy DMG2. As a consequence, it would also not gain support from Policy DMB1.
11. I conclude that the proposal would not be in a suitable location with regard to the spatial strategy of the development plan, concerning development in the open countryside. As such, it would not comply with Policy DMG2 as it would not be a development that supports the spatial vision because none of the considerations it sets out would be met. It would also not comply with Policy DMB1 where it states that proposals will be determined in accord with the Core Strategy policies as appropriate, amongst other matters.

Character and Appearance

12. The site has a distinctive countryside character in that it comprises agricultural land which is pastoral in use. It is open and devoid of built development. The boundary treatments are predominantly post and wire fencing, or else comprise modest amounts of vegetation. Occasional mature trees of stature are found close to the eastern boundaries of the site. Countryside qualities are also in evidence beyond the site through the adjoining fields and beyond, as well as woodland. Built influences are found along Elker Lane and the edge of Billington. As well as the A59, there is also some built development along Whalley Road to the south.
13. The proposal would result in much of the loss of the countryside character of the site itself. The associated built form would markedly encroach into this location through the introduction of what is a not insignificant quantum of development, including the care home village centre complex and other residential buildings, as well as the associated access, parking and servicing arrangements. When the proposed fairly tight configuration of buildings is also considered, it would be of some density and scale. While the design is also intended to meet the needs of the future residents, this does not in itself address character and appearance concerns.
14. The incursion into the countryside by such proposed built development would also have a broader adverse effect on the rural aspect of the site's surroundings, and so would be incongruous and discordant compared to the more open countryside character. The quantum of development proposed would also give it a sense of separation from Billington, in particular as it would be on a greater scale than either the neighbouring over 55s accommodation or the approved nursery. While the effect would not be so great as to be anomalous, it would clearly extend the built form of Billington so that the open aspect of the immediate countryside character to the village would be diminished.
15. The adverse effects of the proposal would be tempered somewhat by its proximity to some development and the presence of the A59, as well as through landscaping that could be achieved through communal areas, open space areas beyond the proposed buildings and boundary planting. Notwithstanding that it would be a significant sized development in such a location and so in my view would not be a semi-rural response, the architecture and elevational treatments in themselves would be comparable to existing development. Development along Elker Lane and Whalley Road, and the A59 would also add a degree of containment to the harm that would arise. Nevertheless, there would be a measurable detriment to the countryside character and visual amenities of the area for the reasons that I have set out.
16. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Consequently, it would not comply with Policies DMG1 and DMG2 of the Core Strategy where they concern a high standard of design and context, being sympathetic including size, intensity and scale, density and relationship to surroundings, and that within the open countryside development will be required to be in keeping with the character and special qualities, amidst other considerations.

Accessibility to Services

17. The nearest local services of relevance to the proposal in Billington are limited to a modest sized village store on Whalley Road. There are also bus stops on Whalley Road that are fairly well served by routes that provide connections to centres with a substantially broader range of services, or onward connection points for other public transport services
18. Such services would not be likely accessible to a considerable number of the residents of the proposal. They would likely be of some greater age and need assistance, and so have greater difficulties in accessing services. As a consequence, where technical guidance applies acceptable walking distances has a limited bearing for the prospective residents. This lack of accessibility would likely give greater rise to the use of the car, where future residents would still have that degree and level of independence. The layout also includes car parking provision in various parts of the site that would facilitate car use.
19. In order to try to address this issue, the appellant proposes to provide a transport service to the nearby town of Clitheroe on Mondays to Saturdays once a day. It would also be available for residents in Billington. This is provided through the UU. However, the version that has been submitted is in draft form and is unsigned. It would not therefore have effect in reducing reliance upon the private motor vehicle. Nor would it meet the tests that are set out in paragraph 58 of the Framework
20. I conclude that the proposal would be unacceptable with regard to the accessibility to local services. As a result, it would not comply with Policy DMG3 of the Local Plan where it relates to the availability of public transport, the provision made for access by pedestrians, cyclists and those with reduced mobility, and locating proposals in locations that are highly accessible by means other than the private car. It would also not accord with the Framework, where such matters concern the presumption in favour of sustainable development.

Other Considerations

21. The proposal would provide varying levels of care, including care bedrooms, close care units and linked assisted living units. It would be centred on those in need of support of an age of 55 or over, although the average age is likely to be substantially greater than this. The residents would also have the benefit of communal facilities. It would be operated by an approved Care Provider monitored by the Care Quality Commission. Controls would be put in place so that it would operate in the way that is intended.
22. In terms of the needs evidence that has been provided, the Lancashire County Council (County Council) Housing with Care and Support Strategy 2018-2025 sets out a county need, while the appellant's Care Needs Assessment (2017) identifies a strong need for such housing which is predicted to grow and set against a low level of provision. Yet, when taken together, these reports are of a dated nature and so they do not provide an up to date local picture. The same applies concerning where needs surveys have been referred to in relation to a Strategic Market Housing Assessment. Core Strategy support for housing for older people is also not uncaveated, as the application of its planning policies in this case ably demonstrate.

23. The Framework provides broad support in principle for housing for older people and people with disabilities as part of the overall need for housing, in order to deliver a sufficient supply of homes. The appellant has also pointed to reports produced at the national level that concern the need for such housing and the direction of travel is that more such housing is required. I would therefore accept that need is a benefit that needs to be factored into the planning balance, despite the concerns over the local needs evidence that I have been presented with. It would also be intended that the proposal would be available for use by the local community, especially those in need of care. So, this would be a further social benefit and similarly with regard to the on-site facilities.
24. The proposal would be of economic benefit as it would create a not insignificant number of Full Time Equivalent roles during the operational period. In addition, there would be employment generated during the construction period and as the residents would be likely to pay for other services locally, this would also contribute towards the local economy.
25. Energy efficiency measures have been suggested, as has a central energy centre including a combined heat and power plant, and controls over water consumption. Along with the potential for biodiversity measures to be incorporated into the landscaping in particular, these would amount to environmental benefits. There would not though be such benefits associated with transport, with the harm that I have identified over the accessibility to local services.
26. The site has previously received an outline planning permission¹ and a subsequent reserved matters approval² for what amounts to the same proposal that is the subject of this appeal. That permission has now however expired and so there is no reasonable fallback position. It does not follow that a subsequent application for planning permission will be looked on favourably due to the previous permission, or that any firm precedent has been set. It will depend on the consideration of the evidence at that time and the related balanced judgment of the harms and the benefits, as it would also have done at the time when the Council made its decision.
27. I have been referred to allowed appeal decisions³ for retirement care village type development. Each decision was based on a planning judgment where the need was largely deemed to outweigh the harm that arose, or else was found to be policy compliant. Such deliberations will though be different in each case, based on the evidence and the location. Neither decision is in the Council's area and so concerns different local policy and local needs, notwithstanding any national position. Hence, they do not change my decision.
28. In relation to the consistency of the Council in dealing with the proposal that is the subject of this appeal compared to the previous approvals, and other pre-application advice it has given, I have considered the totality of the evidence before me in coming to my decision. Interested parties have also raised a number of other matters and concerns. However, as I am dismissing the appeal on other grounds, they do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

¹ Council ref: 3/2016/0927

² Council ref: 3/2021/0373

³ Planning appeal refs: APP/W0530/W/21?3280395, APP/V0510/W/23?3324141, APP/P1425/A/14/2220421

Planning Balance and Conclusion

29. The proposal would not be in a suitable location with regard to the spatial strategy of the development plan. concerning development in the open countryside. As this is an issue that goes to the heart of the development plan, it attracts substantial weight against the proposal. The proposal would also have an unacceptable effect on the character and appearance of the area and be unacceptable with regard to the accessibility to local services. These are issues which each attract moderate weight against the proposal. With the conflict with the Core Strategy policies that I have identified, the proposal would also conflict with the development plan as a whole.
30. Set against this would be the social benefits centred on need and which attract significant weight in favour of the proposal. The economic and environmental benefits both attract moderate weight in favour. I have also had regard to the previous Council decisions on the site as they are a consideration. All other matters do not weigh either for or against the proposal.
31. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR