



Appeal Decision

Hearing held on 16 September 2014

Site visit made on 16 September 2014

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 21st October 2014

Appeal Ref: APP/T2350/A/14/222255

Land at Albany Drive, Salesbury, Copster Green, BB1 9EH

- 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 Westbridge Developments Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2014/0307, dated 31 March 2014, was refused by notice dated 27 June 2014.
 - The development proposed is the erection of up to 32 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The hearing took place on 16 September 2014. At the hearing it came to my attention that the notification letter sent by the Council to neighbouring occupiers and statutory consultees did not contain details of the time of the hearing. In order to ensure potential interested parties were not disadvantaged by this, I requested the Council notified these parties of a further period of 2 weeks to allow those not present at the hearing to comment. This period has now passed and I am therefore satisfied that the error in the notification letter has not disadvantaged any third party to the appeal.
3. The application is made in outline form, with all matters other than access reserved. The layout plans that accompanied the planning application are illustrative only and I have treated them on that basis.

Main Issues

4. The main issues for this appeal are:
 - Whether the proposal would conflict with policies for residential development which seek to achieve a sustainable pattern of development; and
 - If any harm arises in respect of this, whether it is outweighed by housing land supply or other considerations.

Reasons

Planning Policy

5. The Council have put forward policies from both the *Ribble Valley Districtwide Local Plan* (Adopted June 1998) (Local Plan) and the emerging Ribble Valley Core Strategy 2008-2028 (Regulation 22 Submission Draft – Proposed Main Modifications) (Core Strategy). The Core Strategy is at present under examination and although I note it is at an advanced stage I cannot be sure that the policies from it will be adopted in their current form. Therefore whilst the policies put to me appear to be broadly consistent with those put forward from the Local Plan, I can nonetheless give them only limited weight.
6. Policy H2 of the Local Plan relates to the provision of dwellings in the countryside. Policy G5 seeks to protect the countryside from inappropriate development by restricting development to a number of specific categories. Insofar as these policies seek to restrict open market housing to within settlement boundaries they fail to reflect the emphasis of the Framework in seeking to discourage isolated dwellings in the countryside. This limits the weight I can attribute to them.

Sustainable Pattern of Development

7. The Framework recognises the need to locate significant development in sustainable and accessible locations as a core planning principle and seeks to locate rural housing where it will enhance or maintain the vitality of rural communities. In general, new residential development is most appropriate in locations where there is access to services, opportunities for employment and alternative modes of transport than the private car (paragraphs 30 and 37).
8. As part of the proposed modifications to the Core Strategy the Council have produced an assessment of the more sustainable settlements and patterns of development with its Development Strategy. This assesses available facilities and services, constraints and capacity for growth. The relative weightings given to each of the sustainability variables is not explicit and the Council acknowledges that, particularly in relation to information on the nature of local facilities and some local bus services, the approach is necessarily broadbrush. Nonetheless, it is clear from the analysis that the settlements in the Borough vary greatly in terms of size, their level of facilities and their accessibility.
9. Copster Green has a day nursery and a restaurant. It has no shop, post office or pub and the local primary school is located in Salesbury at a distance where families with younger children are more likely to drive. The local bus service provides some links to larger local settlements, however, services at peak commuting times are limited.
10. The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths will vary from urban to rural areas and in this regard I note the appellants' view that an assessment of sustainability should take account of the proximity of services available in adjoining settlements, and the relative distance travelled by private car. Nevertheless, in relation to Copster Green, the absence of any notable local services would require residents to travel outside the village for even basic needs, and they would be largely dependent upon the private car to do so. Although the proposal might not, of itself, generate very large amounts of traffic, the

cumulative effect of allowing such development in the countryside would increase the amount of unsustainable journeys made. Furthermore, in the absence of any notable local services, new residential development would not help sustain existing facilities or contribute to vitality.

11. Taking these factors into account I conclude that the proposal would perpetuate an unsustainable pattern of development which would conflict with guidance within paragraphs 30 and 37 of the Framework.

Housing Land Supply

12. There is no date, as yet, for the Inspectors Report on the Modifications to the Core Strategy to be submitted. At the time of the hearing there was therefore no definitive position in relation to housing supply and it was a matter of dispute between the parties.
13. In calculating the five year requirement the parties agree that the annual equivalent on a minimum of 280 houses recommended by the Inspector as part of the Core Strategy. They also agree on the need for a 20% buffer and a shortfall of 910 dwellings over 6.25 years up to June 2014. They agree that historic shortfall should be met within the first five years of the plan. As these are not matters in dispute I see no need to question them.
14. The parties differ in how the 20% buffer is interpreted. The appellant considers that a 20% buffer should be applied to both the annual equivalent and to any historic undersupply. This would result in an annual requirement of 554 houses, as opposed to 518 where the 20% buffer was applied only to future requirement as put forward by the Council. The effect of the appellant's method of calculation would be to boost the short term requirement for housing in the Borough by an additional 190 houses within the first five years, which the appellant contends is in accordance with the aim of the Framework to both ensure there is a realistic prospect of achieving the planned supply, and to ensure choice and competition in the market.
15. Both parties suggested other authorities which had adopted the opposing approaches, but neither appears to form part of any adopted plan. However, it is clear to me that if, as the parties suggested, there is no definitive approach to how the buffer is applied, to decide on one approach above the other should be informed by a more rigorous assessment of local housing need and historic delivery across the Borough than could be undertaken at the hearing. To do so would also potentially determine the approach the development plan should take. Planning Practice Guidance (PPG) advises that up-to-date housing requirements to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals.
16. I was also provided with details of sites which are included in the Council's Housing Land Availability Survey (HLAS) of June 2014. The appellant has questioned the rate of delivery on three sites, Land SW & W of Whalley Road, Standen Farm and Lawsonsteads. This evidence is largely based on telephone conversations with the potential developers and appears to be largely anecdotal. It also conflicts with the projected rates of delivery put forward by these developers when the sites were being put forward in the Core Strategy. This leads me to the view that based on the evidence put before me at the hearing, I have no firm basis for reaching a conclusion on the rate of housing

supply. As with the housing requirement figure, to do so would require a more comprehensive assessment of delivery within the Borough than the appeal hearing was in a position to undertake.

17. On the matter of housing land supply I therefore do not consider it appropriate to prejudge the findings of the Inspector examining the Core Strategy. Nevertheless, I am mindful that in the absence of a definitive position, the matter of housing supply potentially carries significant weight. The proposal would provide up to 30 dwellings which I am advised are deliverable within 5 years. In this regard, the proposal would contribute to significantly boosting the supply of housing in the Borough and would comply with guidance in paragraph 50 of the Framework.

Other Matters

18. A number of other matters have been raised by third parties. Residents consider that Copster Green is a relatively small settlement, and that additional development of the scale proposed would detract from the character of the area. This included an increase in traffic using Albany Drive and Lovely Hall Lane. However, having regard to the scale of the proposed development and the local highways network I do not consider that the proposal would lead to such an increase of traffic as to be detrimental to wider character, and I share the highways engineers view that it would not detract from highway safety. I also note the loss of green space but, having regard to the submitted landscape assessment, do not consider that this would have a significant impact on the wider landscape.
19. I also note that the proposal in is outline form and that as such the detailed layout has not been determined. Nonetheless, I note that subject to an appropriate layout being agreed the Council consider that the site could accommodate up to 32 dwellings without any detrimental impact upon the living conditions of adjoining occupiers or existing landscape or ecology. I share their views in these regards. I also note that both parties agree that subject to an appropriate condition any necessary provision for affordable housing could be made.
20. The matter of how the site would be drained was a matter of particular concern to residents of Albany Drive. Whilst I note that statutory undertakers may have particular requirements from a potential developer in relation to how the site is drained, based on the evidence before me I have no reason to conclude that an effective means of draining the site could not be found, or that it would preclude the development of the site in principle.
21. Finally, I have also considered the Council's argument that the current proposal would set a precedent for similar developments. My findings on this case relate to the specific circumstances of the proposed development, and I have dealt with it according to its individual merits. Nonetheless, I noted during the site visit that another parcel of land on Albany Drive is effectively landlocked by the appeal proposal. I can appreciate the residents and Council's concern that the approval of this proposal could be used in support of further development, the cumulative effect of which would exacerbate the unsustainable pattern of development and the harm arising from it which is outlined above. This adds weight to my conclusions in relation to the matter of a sustainable pattern of development.

Conclusions

22. In coming to a view on the overall balance, I am mindful that, at the heart of the Framework there is a presumption in favour of sustainable development. Paragraph 49 of the Framework in particular advises that housing applications should be considered in this context. There are three dimensions to sustainable development: economic, social and environmental.
23. I recognise that in the absence of a definitive position in relation to housing land, and in the context of significantly boosting the supply of housing, the contribution the proposal would make to housing supply carries substantial weight. Nevertheless, the development proposed would not be accessible and would perpetuate an unsustainable pattern of development which the Framework seeks to resist. Granting permission for it would also make it more difficult for the Council to resist other similar unsustainable development in the locality. The benefits to housing supply would not significantly and demonstrably outweigh the harm that perpetuating an unsustainable pattern of development would cause. The development could not therefore be considered a sustainable development when assessed against the Framework as a whole.
24. I therefore conclude that taking into account the mutually dependant social, environmental and economic aspects of the development, the proposal would not comprise sustainable development as defined by the Framework. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Walton MRTPI	PWA Planning
Katie Delaney	PWA Planning
David Knowles MRICS	Westbridge Dev Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Joanne Macholc	Ribble Valley Borough Council
Stephen Kilmartin	Ribble Valley Borough Council
Philip Dagnall	Ribble Valley Borough Council

INTERESTED PARTIES:

Ian Eastwood	Local Resident
Steve Canty – Residents Committee	Local Resident
Anne Pickup - Residents Committee	Local Resident
Peter John Boyes	Local Resident
Sue Bibby	RVBC Councillor
Elinor George	WYG

DOCUMENTS SUBMITTED AT THE HEARING:

1. Signed Unilateral undertaking dated 8 September 2014
2. Appellant's figures of Annualised Housing Requirement and Identified Supply based on Completions up to 30/6/14 (6.25 years).
3. Appellants figures relating to the delivery of 3 sites - Land SW & W of Whalley Road, Standen Farm and Lawsonsteads.