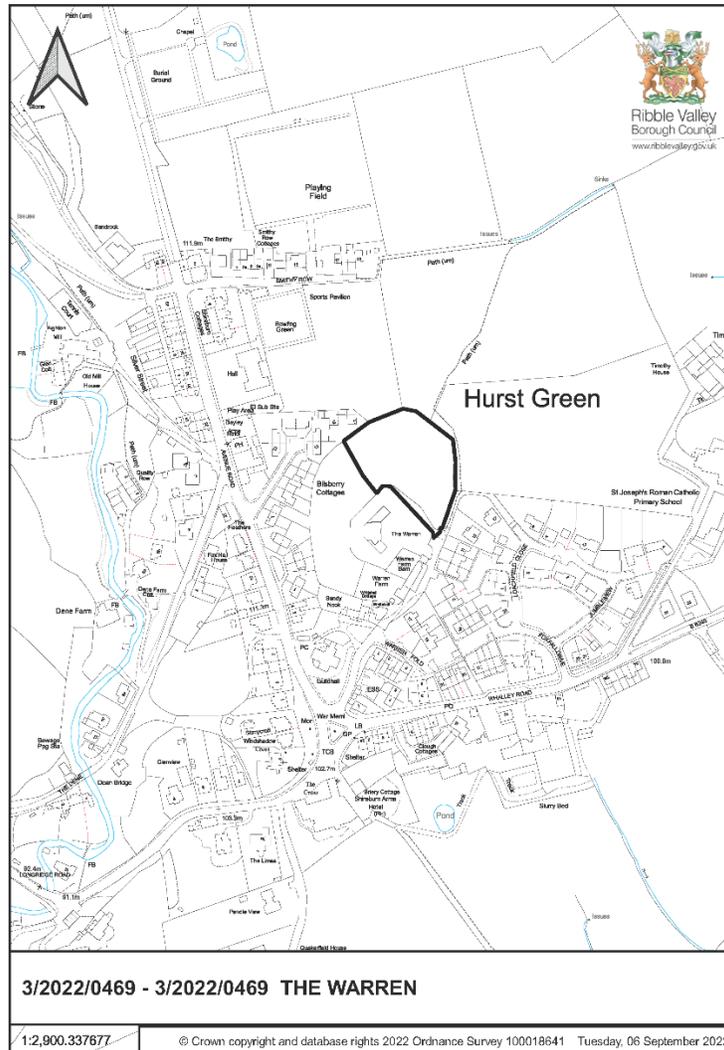


APPLICATION REF: 3/2022/0469

GRID REF: SD 368573 438134

DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF THREE NEW RESIDENTIAL SELF-BUILT BUNGALOWS FOR THOSE AGED 55 OR OVER. THE WARREN, WARREN FOLD, HURTS GREEN, BB7 9QH



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No representations received in respect of the proposal.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highways Development Control Section has raised no objection to the proposal subject to the imposition of conditions requiring the submission of a Construction Method Statement.

ADDITIONAL REPRESENTATIONS:

Four letters of representation have been received objecting to the application on the following grounds:

- Loss of privacy
- Impacts upon wildlife
- Impacts upon character and visual amenities of the area
- Significant ecological impact by virtue of woodland removal
- Proposed built-form will alter the character of the Tolkien trail to its detriment
- Narrow lane and inadequate access which would result in conflict with existing walkers

Members will additionally note that a ward councillor has requested that this application is determined by Planning and Development committee for the following reasons:

- Significant due to impact on area
- High level of public interest
- Significant departure from policy

1. Site Description and Surrounding Area

- 1.1 The application relates to an area of land outside of but directly adjacent to the defined settlement limits of Hurst Green. The site is located within the defined Forest of Bowland Area of Outstanding Natural Beauty also being adjacent, at its south-eastern extents, the defined Hurst Green Conservation Area.
- 1.2 The area of land to which the application relates lies directly to the north of the dwelling known as 'The Warren' and currently accommodates an area of extensive woodland/shrubland with the site also being directly adjacent a Public Right of Way (footpath 64) which bounds the site to the east.

2. Proposed Development for which consent is sought

- 2.1 The application seeks outline consent (all matters reserved) for the erection of three self-build dwellings. During the course of the application the agent acting on behalf of the applicant has confirmed that 'the units are to be single storey bungalows, self-build and for over 55's only'. An amendment to the description of the development has not been secured as the agent was on holiday at the time of writing this report.
- 2.2 The application has been accompanied by an illustrative layout which shows pedestrian and vehicular access being provided by way of the existing access serving the existing dwelling.

3. Relevant Planning History

3/2013/0963: New dwelling in garden of The Warren.
Land adjacent to The Warren Warren Fold Hurst Green BB7 9QS. (Withdrawn)

3/2014/0204:

Outline planning application for the erection of one new residential dwelling. (Refused)
(Appeal Dismissed)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations#
Key Statement EN2 - Landscape

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site lies within the defined Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located outside of, but directly adjacent the defined settlement limits of Hurst Green, as such given the application seeks consent for new residential development, Policies DMH3 and DMG2 are fully engaged.

5.1.2. Policies DMH3 and DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and AONB to that which meets a number of explicit criterion, with Key Statement DS1 setting out the overall spatial aspirations for general development within the Borough. Given the proposal site is located outside of any defined settlement limits, being upon land that benefits from an AONB designation, Policy DMG2 is fully engaged for the purposes of assessment of the application.

5.1.3 Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged in circumstances when proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

5.1.4 The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

- 5.1.5 The proposal is located outside of any defined settlement boundary, in this respect, when assessing the locational aspects of the development, it is the secondary element of Policy DMG2 that is engaged (Policy DMG2(2)) which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

- 1. The development should be essential to the local economy or social wellbeing of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

- 5.1.6 Given the site is located outside of any defined settlement limits, DMH3 is also applicable, with the policy being engaged in parallel with Policy DMG2. In this respect Policy DMH3 states that:

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:

- 1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
- 2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*

- 5.1.7 In respect of the above first criterion, it is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture'.

- 5.1.8 Turning to the secondary criterion, in respect of the matter of 'local need', no evidence has been provided to suggest that the proposal would align with the definition of 'local needs housing'. The Ribble Valley Core Strategy states that local needs housing is '*the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.*' and that '*the most recent SHMA and Housing Needs Survey and waiting list evidence would always be used in determining if the proposed development meets the identified need*'.

- 5.1.9 Members will note that the submitted details propose that the dwellings will be self-build in nature (for those aged 55 or over), as defined within the Self-build and Custom Housebuilding Act 2015 (as amended by the housing and planning act

2016). However, the proposal remains for that of residential development and as such the proposal must be assessed against relevant adopted development plan policies relating to the locational aspirations for new residential development in the borough with policies DMH3 and DMG2 of the Adopted Core Strategy, once again, remaining fully engaged.

5.1.10 In this respect the authority does not consider that the current application for self-build housing can be considered as 'local needs housing' for the purposes of the secondary criterion of Policy DMH3, particularly given it fails to fall within the definition contained within the current adopted development plan.

5.1.11 This matter has been clarified through recent inspectors' decisions, the 'Wiswell Decision' (APP/T2350/W/18/31210850) and the 'Stables Decision' (APP/T2350/W/19/3235162) whereby both inspectors concurred with the Local Planning Authority approach in that self-building housing cannot be considered as 'local-needs housing' as defined within the adopted development plan. As such, in this respect, it is considered that the proposal cannot be considered as an 'exception' given it fails to meet the exception criterion of both Policies DMH3 and DMG2 in respect of new housing outside of a defined settlement.

5.1.12 At the time of writing this report, the number of individuals/groups registered on the self-build register held by the authority are as follows:

- Part 1 Register - 12 individuals and two associations.
- Part 2 Register – 1 individual

5.1.13 The Self-Build Act places a duty on authorities to comply with their duty to grant sufficient permissions to match demand as reflected on Part 1 of the self-build register, within a three-year period from the end of each base period. The first base period ended on the 30th of October 2016 therefore the time for 'compliance' with the duties imposed under the act is imminent in respect of the first base period only. To date the authority has only granted consent for one self-build housing unit, with the unit having been considered in compliance with the requirements of DMG2 in that it was wholly located within the defined settlement limits of a principal settlement.

5.1.14 However, the authority does not consider that the 'duty to grant sufficient consents' releases 'self-build' housing proposals from the need to comply with the compliment of policies relating to the location of new residential development within the borough as contained within the adopted development plan, which in this case are primarily Policies DMG2 and DMH3.

5.1.15 As such, the authority does not consider that the 'self-build' nature of the proposal allows for 'exceptional site release' nor does it exempt such proposals from having to meet policy specific locational criterion, regardless of the outstanding demand on part one of the Self-build Register.

5.1.16 Turning to the matter of the dwellings being for occupation solely by those aged 55 or over. Notwithstanding the potential occupancy restrictions that would be required to be imposed, the proposal would still remain for that of open market housing albeit occupancy of the dwellings would be age restricted. In this respect the imposition or engagement of an age-related occupancy restriction alone would

also fail to satisfy any of the explicit exception criterion contained within Policies DMG2 and DMH3.

- 5.1.17 A recent Inspectors decision, whereby an appeal was dismissed, also considered similar matters elsewhere in the borough (APP/T2350/W/20/3247676) also outside of defined settlement limits. In reaching their conclusions the Inspector concluded that:

'The SHMAs –one of the documents referred to in the Core Strategy glossary – include reference to the proportion of older people within the borough's demographic and the implications for housing provision within the borough. However, even having regard to the appellant's LHNAs (Local housing Needs assessment) as a further material consideration, I am not satisfied that a compelling local housing need for the older people's market bungalows proposed has been demonstrated to justify the development in the open countryside'. With the Inspector further stating that 'It is common ground that the Council is currently able to demonstrate a 5 year supply of deliverable housing sites. Taking those factors together, from the evidence before me I am satisfied that the Council's development strategy and housing policies are functioning to deliver the type of housing identified in the LHNAs and proposed in this case.

- 5.1.18 In respect of the current proposal, the applicant has not provided any evidence whatsoever in respect of over 55 housing need in the parish or adjacent parishes that would warrant the proposal being considered as being for that of an identified and outstanding local need. Notwithstanding this matter, members will note that the Inspector determined that the currently adopted policies are 'functioning' to deliver these house types in any case.

- 5.1.19 In light of the above matters, and in the absence of any other evidence to suggest otherwise, it cannot be considered that the proposal meets any of the exception criterion contained within Policies DMG2 nor DMH3 in relation to new dwellings outside of defined settlement limits.

- 5.1.20 As such, the clear, significant and direct conflict with both Policies DMG2 and DMH3 of the Ribble Valley Core Strategy, in that the proposal fails to meet any explicit residential exception criterion, precludes the ability for the principle of residential development to be supported in this location.

5.2 Impact upon Residential Amenity:

- 5.2.1 Given the proposal seek outline consent with all matters reserved, no definitive assessment of the impacts upon residential amenity or the level of residential amenity that will be afforded to future occupiers of the dwellings can be made at this stage. However, given the size of the application site and the siting of the immediate neighbours it is considered that a scheme could be developed which protects both the amenities of the existing and future residents.

5.3 Visual Amenity/External Appearance

- 5.3.1 The application is made in outline with all matters reserved, as such no definitive determination can be made in respect of the likely impacts upon the character or visual amenities of the area that may be resultant from the proposal.

5.3.2 Notwithstanding this matter, the applicant has submitted an indicative site layout that illustrates how the quantum of development could be accommodated on-site, with the submitted details indicating three detached dwellings being located within significant individual plots with access being provided via the existing shared access that proved access the 'The Warren'

5.3.3 Whilst potential landscape or visual harm cannot be fully ascertained at this stage, members will note that a historic Inspectors decision (APP/T2350/A/14/2221778) on the site, which sought outline consent (access, layout and scale) for the erection of one residential dwelling was dismissed with the Inspector concluding, in addition to other matters, that there would be visual harm stating the following:

The site is surrounded by a stone wall and is elevated in relation to the adjoining fields. As such, it is already visually delineated from the wider countryside to the north and east. I also appreciate that the proposed house could be further screened by additional landscaping to lessen its visual impact. Nevertheless, in my view the further containment of the site would itself be harmful to the open character and appearance of the surrounding area.

Thus, whilst I appreciate that the matters of scale, layout, appearance and landscaping are reserved for future consideration, a dwelling on the appeal site would protrude into the open countryside and extend built development into it. Moreover it would be highly visible from the open fields to the north and east. This being so, I cannot see that the proposal would appear sympathetic to the surrounding countryside or that it would conserve the natural beauty of the AONB. That the site is not in the Green Belt does not alter my view.

5.3.4 As such, taking account of the above, given visual harm was determined to be evident resultant by virtue of the introduction of one single dwelling, it must therefore be concluded that the siting of three dwellings on the site would also undoubtedly result in a similar if not greater level of visual harm upon the character and visual amenities of the area and that of the Forest of Bowland Area of Outstanding Natural Beauty.

5.4 Highway Safety and Accessibility:

5.4.1 The Highways Development Control Officer has raised no objections to the proposal subject to the imposition of a condition relating to the requirement for a Construction Method Statement to be submitted should consent be granted.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above the proposed development is considered to be in significant direct conflict with conflict with both Policies DMG2 and DMH3 of the Ribble Valley Core Strategy, in that the proposal fails to meet any explicit residential exception criterion in relation to the creation of new residential dwellings outside of defined settlement limits.

RECOMMENDATION: That the application be REFUSED for the following reason(s):

1. The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Adopted Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification. It has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either policy.
2. The proposal is considered to be in direct conflict with Key Statement EN2 and Policy DMG1 of the Adopted Ribble Valley Core Strategy insofar that the introduction of built form and resultant quantum of development in this location, would result in a level of development that would appear both anomalous and incongruous, undermining the character and visual amenities of the immediate area and that of the Forest of Bowland Area of Outstanding natural beauty.
7. **Update Following Planning and Development Committee Meeting of the 25th August 2022**
 - 7.1 Following the Planning and Development Committee of the 25th of August 2022, Members were minded to approve the proposal contrary to officer recommendations, as such the application is being brought back before members for determination with suggested conditions and recommendations should committee be minded to approve the proposal.
 - 7.2 However, members are urged to note that the granting of approval of this proposal, which is in significant, fundamental and direct conflict with the development strategy for the borough, namely Policies DMG2 and DMH3, will significantly undermine and compromise the continued effectiveness and integrity of Policy DMG2 which primarily empowers and affords integrity to the defined settlement limits of all defined settlements within the area.
 - 7.3 No substantial or robust evidence has been provided to demonstrate that there is a need for the type of housing proposed in this specific area or that such a need cannot be met in more appropriate locations. As such, in the absence of any such robust evidence, approval of the proposal will also significantly undermine the effectiveness of Policies DMG2 and DMH3.
 - 7.4 Members attention should also be drawn to a recent Inspectors decision (24th August 2022 APP/T2350/W/20/3253310) relating to housing outside of the defined settlement limits. Members should note this is the development which the Council successfully challenged via Judicial Review in respect of the correct interpretation of Policy DMG2.

The appeal was dismissed in-line with officer recommendations, with the Inspector concluding the following:

The policy (DMG2) goes on to state that in Tier 2 villages and outside the defined settlement areas, development must meet at least one of six considerations; it should be essential to the local economy or social well-being of the area; needed for the purposes of forestry or agriculture; for local needs housing which meets an identified need; small scale tourism or recreational developments; for small scale uses appropriate to a rural area where a local need or benefit can be demonstrated; or development compatible with

the enterprise zone designation. The appellant does not argue that the proposal would fall under any of these categories.

Policy DMG2 further sets out that within the open countryside, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscape and siting. The Council does not oppose the proposal in terms of its landscape impact or overall design. However, the proposal would still conflict with Policy DMG2 in terms of the location of the settlement boundary.

Policy DMH3 further relates to areas defined as open countryside (and AONB). Residential development in these areas is supported in a limited set of circumstances, none of which are advanced as being applicable to the appeal scheme. The proposal would therefore conflict with the spatial strategy by developing housing outside of the settlement boundary of Clitheroe without justification as provided for under either Policy DMG2 or DMH3.

The starting point for decision-making is the development plan. The Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. For the reasons set out above, I have found there would be conflict with the development plan taken as a whole. I afford very significant weight to this conflict.

There would be several benefits of the proposal, as set out above, ranging from limited to moderate weight. In this case, I do not find that the benefits as a whole are of sufficient weight to outweigh the very significant development plan conflict that I have identified. I conclude that the development would not be in a suitable location for housing having regard to the housing strategy for the area. This is a matter of overriding concern and, therefore, I conclude that the appeal should be dismissed.

7.5 Should members still be minded to approve on the basis of local need for 'self-build' bungalows to be occupied by those aged 55 or over, there will be a requirement for the applicant to enter into a legal agreement to secure the following:

- Occupants of the dwellings must be aged 55 or over
- First occupants of the dwellings must be registered on the Self-Build register held by the authority (for the purposes of Self-build and Custom Housebuilding Act)
- All occupants of the dwellings must meet local connection eligibility criteria
- All dwellings (and external areas) must be designed and constructed to meet the requirements of M4(2): Category 2 of The Building Regulations (2015 as amended by 2016 amendments)

7.7 Taking account of the above, should members be minded to approve, the proposal should be motioned for approval on the following basis:

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval following the satisfactory completion of a Legal Agreement, within 6 months from the date of this Committee meeting or delegated to the Director of Economic Development and Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 6 months and subject to the following conditions:

1. Application(s) for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.

(a) The expiration of three years from the date of this permission; or

(b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved relates to the following drawing(s) and submitted information:

- Location Plan: 0632/93 Drawing: 00
- Existing Site Plan 0632/03 Drawing: 03 (I)
- Proposed Site Pan 0632/93 Drawing: 07
- Proposed Site Pan 0632/93 Drawing: 07 (I)

Reason: To clarify the nature of the details relating to the development hereby approved.

3. Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed single storey in height.

Reason: To clarify the nature of consent hereby approved and to limit the visual impact of the development upon the immediate and wider landscape.

4. No more than three dwellings shall be developed within the application site edged red on the existing site plan (0632/93 Drawing 03(I)) pursuant to the consent hereby approved.

Reason: To clarify the quantum of development hereby approved.

5. Application(s) for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height and scale and location of the proposed [building(s)/dwelling(s)/Structures(s)] in relation to adjacent existing development/built form (where applicable).

The details shall clearly show the eaves and ridge heights of the proposed [building(s)/dwelling(s)/Structures(s)] relative to the eaves and ridge heights of existing neighbouring development/built form. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the proposed development responds positively to characteristics of the area and to ensure the Local planning Authority can make an accurate assessment of potential impacts upon existing nearby residential amenity.

6. Each reserved matters application for appearance shall include details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites within the development hereby approved.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent species site plan and include details of plot numbers and identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into the identified individual dwellings during their construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development.

7. Applications for the approval of reserved matters for appearance or layout shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance or conservation concern.

8. None of the dwelling constructed pursuant to this consent shall be first occupied until details for the provisions of Electric Vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved provision shall be installed and made available prior to the first occupation of the dwelling(s) hereby approved and thereafter retained.

Reason: To allow for the effective use of the parking areas, to promote sustainable transport as a travel option and to reduce carbon emissions resultant from the proposal.

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

- iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of any part of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

BACKGROUND PAPERS

<https://webportal.ribblevalley.gov.uk/planningApplication/34309>