



Appeal Decision

Hearing Held on 2 December 2020

Site visit made on 3 December 2020

by **Chris Baxter BA (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/T2350/W/19/3242364

Higher College Farm, Lower Road, Longridge PR3 2YY

- 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 Mr Mark Hurst against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/1105, dated 30 November 2018, was refused by notice dated 3 June 2019.
 - The development proposed is application for outline planning permission for 21 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except access. I have determined the appeal on this basis.
3. A Unilateral Undertaking (UU) was submitted prior to the Hearing however, this UU did not have all the required signatures. The final signed UU was submitted on 17 December 2020.

Main Issue

4. The main issues are:
 - the effect of the proposal on employment in the area;
 - whether the proposal would be in a suitable location for residential development;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of future occupiers of the properties with regards to noise and disturbance, and the effects upon adjoining employment uses.

Reasons

Employment

5. The appeal site, under Policy EAL3 of the Ribble Valley Local Plan, Housing and Economic Development – Development Plan Document (HEDDPD), is

land that is allocated for employment uses (defined as uses falling within classes B1 to B8). The HEDDPD was adopted on 15 October 2019.

6. The Inspectors Examination Report¹ on the HEDDPD acknowledged that employment land allocations amounted to around 4ha giving an overprovision of 1.6ha. The Inspector also noted that existing commitments, as well as further opportunities for such development, would ensure flexibility and a choice of sites and locations to accommodate economic growth.
7. The appellant argues that with the overprovision of 1.6ha, the loss of the appeal site, which measures approximately 1.5ha, would not result in a short fall of employment land. The land immediately to the east (adjacent site) of the appeal site has extant outline permissions² for employment development which the appellant further argues would compensate for the loss of the appeal site employment allocation as there would be no net loss of employment land in the area.
8. The allocation under Policy EAL3 does provide a long-term commitment to deliver employment land in the area. So, whilst there are extant permissions on the adjacent site, these permissions are in outline and in different ownerships from the appeal site. From the evidence before me there is no guarantee that these schemes would be fully delivered and therefore, I cannot rely on the adjacent site being compensation for the loss of an allocated employment site.
9. Irrespective of the permissions on the adjacent site and their deliverability, the Inspector for the HEDDPD found that the overprovision of employment land allocations as well as further opportunities for employment from windfall sites would offer flexibility and choice of sites. The allocation on the appeal site and the permissions on the adjacent site together would provide flexibility and choice, particularly given the range of employment uses that could be brought forward.
10. I attach considerable weight to the extant permissions on the adjacent site however, this would not outweigh the significant weight I attribute to the appeal site being an employment land use allocation and its contribution towards the overall requirement and spatial distribution set out in the Core Strategy – A Local Plan for Ribble Valley 2014 (CS). Accordingly, I find that the proposal would be contrary to Policy EAL3 of the HEDDPD.
11. Policy DMB1 of the CS allows the development of sites with employment generating potential for alternative uses where it can be demonstrated that the current use is not viable for employment purposes.
12. The Inspector on the HEDDPD was satisfied that the employment allocation at the appeal site was deliverable. The appellant has provided information arguing that the site is not viable for employment uses. This information includes an assessment of local employment needs and a commercial viability report by Eckersley which assesses matters including capacity and market demand, physical location, suitability and viability.

¹ Planning Inspectorate File Reference: PINS/T2350/429/2

² Local Planning Reference Numbers: 3/2017/0317 & 3/2020/0507

13. The Eckersley assessment and viability report both conclude that the appeal site as a business accommodation scheme isn't viable. In support of this, the viability report includes two residual development appraisals based on the extant outline planning permission³ for the site. Both these appraisals returned negative land values. The Council confirmed at the Hearing that there were no objections to these appraisals, and I have no reason to question the figures involved.
14. The employment land allocation, as well as the extant outline permission³, are not restrictive, allowing the opportunity for a range of B1, B2 and B8 uses to be brought forward on the site. The Eckersley assessment and viability report, as well as evidence I heard at the Hearing, argues that the appeal site is not deliverable as an employment site due to factors including insufficient demand, scale of development, density, location of site, type of employment development, adjacent site development and conversion costs of the existing property.
15. The two residual development appraisals indicate that only a certain type of employment scheme would result in a negative land value. Whilst the Eckersley documents describe factors which would contribute to the employment site being unviable in its totality. There is insufficient evidence to convince me that alternative types of employment development on the site could not come forward and be viable.
16. Given the range of uses that can be accommodated on the allocated employment site, which is supported by the extant outline permission³, the information submitted by the appellant is not sufficient to demonstrate that the appeal site is not viable for employment purposes. The proposal therefore fails to accord with Policy DMB1 of the CS.
17. Consequently, I find that the proposal would have a harmful effect on employment in the area. The proposal would be contrary to Policy DMB1 of the CS, Policy EAL3 of the HEDDPD and the Framework which seeks to support business growth and the local economy, and provide a choice of sites and locations to accommodate economic growth.

Location

18. The appeal site is located outside the defined settlement limits of the Principal Settlement of Longridge. Part of the site does border the settlement boundary along the road to the north with residential properties set beyond.
19. The first part of Policy DMG2 of the CS states that development proposals should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring appropriateness to scale and be in keeping with the existing settlement. The glossary of the CS defines the terms "defined settlement", "consolidation", "expansion" and "rounding off". I have had regard to these definitions in my assessment.
20. I have also had regard to the employment land allocation as well as the extant permission³ on the appeal site and the extant permissions² on the adjacent site. Whilst there is no built development on these sites, for the purpose of assessing relationship with the settlement of Longridge, I

³ Local Planning Reference Number: 3/2017/0602

acknowledge these commitments and the intention that there will be buildings on these sites.

21. Due to the location of the appeal site, with countryside to the south, west and north east, and its relationship with the built form, the proposed development would not consolidate or round off the existing settlement. The scale of the proposal would be limited growth of the settlement of Longridge however, the main built up area of Longridge sits primarily to the north of Blackburn Road and Lower Lane. Whilst there are buildings directly to the south of the appeal site and the prospective buildings to the east on the adjacent site, I do not consider these form part of the main built up area of Longridge. The proposal would not be an expansion that would be in scale and keeping with the surrounding urban area.
22. I therefore find that the proposal would not be of appropriate scale or be in keeping with the main built up area and would not consolidate, expand or round off development in the Principal Settlement of Longridge. As such the proposal fails to meet the first part of Policy DMG2 of the CS.
23. My attention has been brought to a number of schemes in the area which have been granted approval. These include developments for 110 houses⁴, 275 dwellings⁵, 3no. B1 industrial units⁶ and developments at Charnley Cottage⁷, Henthorn Road⁸, junction of Chatburn and Pimlico Link Road⁹, land off Audlem Road/Broad Lane¹⁰ and land south of Chatburn Old Road¹¹. Insufficient details have been provided on these schemes and therefore cannot be sure that they represent a direct parallel with the appeal scheme, particularly with regards to location, scale of development and relationship with surrounding environment. In any case, I have determined this appeal on its own merits.
24. As I have found that the proposal does not comply with the first part of Policy DMG2 of the CS. The appellant has argued that the second part of Policy DMG2 applies which requires that development must meet at least one of a list of considerations, which includes local needs housing which meets an identified need or where a local need or benefit can be demonstrated.
25. The glossary in the CS provides a definition on local housing need which states "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 (HNS) for the parish, the Housing Waiting List (HWL) and the Strategic Housing Market Assessment (SHMA)."
26. The proposal would provide contributions towards education and leisure, and 30% affordable housing of which some would be over 55s accommodation. However, there is no substantial evidence before me to demonstrate that the

⁴ Local Planning Authority Reference: 3/2018/0688 & PINS Reference: APP/T2350/W/19/3221189

⁵ Local Planning Authority Reference: 3/2016/0974

⁶ Local Planning Authority Reference: 3/2019/0666

⁷ Local Planning Authority Reference: 3/2018/0682

⁸ PINS Reference: APP/T2350/W/19/3221189

⁹ PINS Reference: APP/T2350/W/20/3253310

¹⁰ PINS Reference: APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529

¹¹ PINS Reference: APP/T2350/W/19/3223816

HNS for the parish, the HWL or the SHMA has identified a specific housing need for the type of development the proposal would provide.

27. The appellant has referred to the draft Strategic Housing and Economic Needs Assessment (SHENA) suggesting that the Council would be short some 31,000 homes on the annual target and the proposal would contribute to this shortfall. The Council consider that no weight should be given to the SHENA as it is an evidence-based document. Nevertheless, there is insufficient evidence on this matter which demonstrates that the proposal would meet an identified local need or benefit.
28. It has not been demonstrated that the proposal would provide local needs housing or a benefit that meets an identified need. Therefore, the proposal would fail to comply with the second part of Policy DMG2 of the CS.
29. Accordingly, I find that the proposal would be development outside of the settlement boundary of Longridge and would not consolidate, expand or round-off the main built area, nor would it provide local need or benefit to the area. The proposal would therefore be in conflict with Policy DMG2 and DMH3 of the CS.

Character and appearance

30. The appeal site is located in an area characterised by rural countryside which runs into the built form of the settlement of Longridge. There are residential properties to the north of the site separated by the highway of Blackburn Road. Further buildings, predominantly residential, are located further west beyond the highway of Lower Lane. With the employment allocation and extant permission³ on the appeal site and the extant permissions² on the adjacent site, there is the potential for employment related buildings to be located in the area. My assessment on character and appearance has included the potential for development on these sites.
31. The proposed development given its location to the south of Blackburn Road would not be well related to the existing settlement and appear as an unnatural encroachment into the countryside. The existing housing to the north of the site blends in with the existing settlement, whilst the proposal would be detached and not be in keeping with the existing residential built form of the area.
32. The proposal for residential development would be different in character and appearance compared with buildings related to employment uses. Whilst I note that the proposal is in outline as well as the extant employment permissions, there would be significant differences between residential and employment including size, design and materials of the buildings, activity related to the uses, and movements to and from the developments.
33. There are existing buildings to the south of the site as well as potential employment buildings to the east. There would be open countryside to the west and the proposal would not be contained in a manner that would blend in with the existing residential environment. There is an acceptance that there will be built form on the appeal site due to the employment allocation however, as described above this would be in a different form to a residential scheme. The Council do note that there would be negative effects on the appearance of the area from an employment scheme although these

matters would be outweighed by benefits to the local economy. There would be a boost to the economy resulting from a residential scheme however, this would primarily be limited to during the construction phase. I do not consider this benefit would outweigh the harm that the proposal would have on the character and appearance of the area.

34. The potential buildings that would be located on the site as a result of the extant permission³ or future development associated with the employment allocation would be detached from the main settlement, although it would blend in with existing employment uses to the south and potential employment buildings to the east.
35. At my site visit, I viewed the appeal site from a number of locations, including from Blackburn Road, Lower Lane, Dilworth Lane and from Green Bank Park to the north. The proposed residential development would appear as an incongruous feature in the surrounding environment. The use of landscaping and removal of permitted development rights from the proposed scheme would not mitigate the detrimental effects that the proposal would have on the character of the area.
36. The proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would be contrary to Policies DMG1 and DMG2 of the CS which seeks development to be in keeping with the character of the landscape and consider visual appearance and the relationship to surroundings.

Living conditions and adjoining employment uses

37. The Council are concerned that the living conditions of future occupiers of the development would be adversely affected by employment uses proposed on the adjacent site. Subsequently, there are also concerns that the proximity of the proposed properties to the adjacent site could have an adverse effect on the operation of future employment uses.
38. The appellant has submitted an Acoustic Survey by Martin Environmental Solutions and a Technical Note by Martec Environmental Consultants. Both these documents indicate that planning conditions relating to noise, attached to permission 3/2017/0317 with a similar condition on permission 3/2020/0507, would ensure that sound levels from the adjacent site would not compromise the living conditions of the occupiers of the proposed site. However, there is no evidence before me to suggest that the adjacent site development schemes were assessed on the basis that the site would directly adjoin a residential site.
39. The Council, at the Hearing, referred to Noise section of the Planning Practice Guidance (PPG). Paragraph: 009 Reference ID: 30-009-20190722 of the PPG states that an applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance and the likelihood that they could have a significant adverse effect on new residents. In doing so, the agent of change will need to take into account not only the current activities that may cause nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

40. I acknowledge that with the extant permissions² being in outline there are no certainties on matters such as type of uses, location of buildings etc. However, it is known that the proposed employment uses would fall within the use classes of B1, B2 and/or B8 and the proposed development would need to define clearly mitigation to address any potential significant adverse effects. The submitted Acoustic Survey and Technical Note do not provide any substantive evidence or detailed mitigation to confirm that the living conditions of the occupiers of the proposed properties would not be adversely affected by the uses of the adjacent site with regards to noise and disturbance. Similarly, there is no clarity over whether the introduction of the proposed residential properties would have a detrimental effect on the operation of the uses on the adjacent site.
41. Due to the proximity of the appeal site with the adjacent site, the intended employment development on the adjacent site and the lack of clearly defined mitigation, I find that that the living conditions of future occupiers of the proposal would be unduly harmed in terms of noise and disturbance. Likewise, the proposal would also have a harmful effect on the operation of intended employment uses on the adjacent site.
42. The proposal would therefore be in conflict with Policy DMG1 of the CS and paragraphs 128, 180 and 182 of the Framework which seeks development to be sympathetic to existing and proposed land uses and not adversely affect the amenities of the surrounding area.

Other Matters

43. The signed UU would provide contributions towards education and leisure in the area and also affordable housing provision including accommodation for the over 55s. The appeal site is within an accessible location being in close walking distance to bus stops and other amenities in the area.
44. The submitted Statement of Common Ground confirms agreement from the parties that the Council can demonstrate a five year housing land supply. The appellant does indicate however, that having a five year housing land supply does not preclude further housing from coming forward.
45. These benefits and matters however, do not outweigh the harm I have identified in the main issues.

Conclusion

46. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mark Hurst	Appellant
Graeme Thorpe	PWA Planning
Rachael Leather	PWA Planning
Mark Clarkson	Eckersley Property
Mel Kenyon	Martec Environmental Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Colin Hirst	Ribble Valley Borough Council
Adam Birkett	Ribble Valley Borough Council

INTERESTED PERSONS:

Councillor Judith Clark	Ward Councillor
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