



## Appeal Decision

Hearing Held on 15 and 16 September 2020

Site visits made on 9 and 22 September 2020

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2020**

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**Appeal Ref: APP/T2350/W/20/3247676**

**Land SW of Clitheroe Golf Club, Whalley Road, Barrow, Whalley BB7 9BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Knowles (Westbridge Developments Ltd) against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2019/0510, dated 10 June 2019, was refused by notice dated 6 September 2019.
  - The development proposed is the erection of 14 no. over 55s bungalows and 10 no. affordable bungalows, associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the application was refused the Council has adopted the Housing and Economic Development: Development Plan Document, on 15 October 2019. I have considered the appeal accordingly. Its adoption is acknowledged in the agreed Statement of Common Ground and it is referred to in the submissions from the main parties and was discussed at the hearing. I am therefore satisfied that all parties have had the opportunity to comment.
3. A Unilateral Undertaking (UU) was submitted in support of the appeal and discussed at the hearing. Amongst other things the UU makes provision for the delivery and retention of affordable housing, older people's housing and affordable housing for older people as part of the scheme. On that basis the Council has withdrawn its fourth reason for refusal relating to the provision of affordable housing for older people. I return to this matter later in my decision.
4. I have allowed written submissions from the main parties on legal submissions made by the appellant during the hearing and on a recent appeal decision<sup>1</sup> provided by the Council which was issued after the hearing had closed. I am therefore satisfied that there would be no prejudice arising from my having taken those further submissions into account.

### Main Issues

5. The main issues are:

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<sup>1</sup> Appeal ref: APP/T2350/W/20/3248156

- whether the proposed development would accord with policies relating to the control of development in the countryside; and
- the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

## **Reasons**

### ***Development in the countryside***

6. The main parties agree that the appeal site is outside the settlement boundary for Barrow and thus is in the open countryside for the purposes of this appeal.

### *Relevant policy*

7. Policy DMG2 of the Core Strategy 2008-2028: A Local Plan for Ribble Valley, (the Core Strategy) states that outside defined settlement areas development must meet one or more specified criteria. Those include that it would be for local needs housing which meets an identified need. Core Strategy Policy DMH3 also states that in the open countryside residential development will be limited, amongst other things, to that which meets an identified local need.
8. The development would comprise 14 market bungalows for residents aged 55 and over. It would also include ten affordable bungalows, two of which would be for residents aged 55 and over. Occupancy of the various units would be restricted via the UU. The appellant submits that the 14 market bungalows for residents aged 55 and over constitute local needs housing that would justify the development with reference to Core Strategy Policies DMG2 and DMH3.
9. The Core Strategy glossary defines local needs housing as '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 (SHMA)'.
10. The Housing Needs Surveys and Housing Waiting List relate to affordable rather than market housing. The 2008 SHMA and the updated 2013 SHMA identify the borough's older population profile compared to the national average and that long-term projections indicate likely notable growth in the proportion of older people in the district. The 2008 SHMA also refers to a lack of bungalows in the borough at that time. The SHMAs do not set specific targets for the delivery of market housing for older people. However, they acknowledge the likely implications of those existing and projected figures for the borough's housing market and the likely need for housing for older person households.
11. The Planning Practice Guidance states that plan-making authorities should set clear policies to address the housing needs of groups with particular needs, including older people<sup>2</sup>. Core Strategy Key Statement H3 and Policy DMH1 set out that providing housing for older people is a priority for the Council. They state that, in developments of 10 units or more, 15% of units will be sought for older people, 50% of which will be market housing for older people. The Council's housing strategy, articulated via its development plan, thus includes

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<sup>2</sup> Paragraph Reference ID: 63-006-20190626

specific requirements for the delivery of housing for older people including market housing as well as affordable provision.

*The appellant's Local Housing Needs Assessments*

12. The appellant has submitted two Local Housing Needs Assessments (LHNAs) dated March 2019 (the 2019 LHNA) and 25 March 2020 (the 2020 LHNA). The LHNAs specifically consider housing for those aged 55 and over in the appeal site parish and adjoining parishes. As such, they relate to a type of housing that sits within the wider context of older people's housing needs identified in the SHMAs. The LHNAs are material considerations pertinent to my decision.
13. The LHNAs identify that the appeal site parish and adjoining parishes have proportions of residents aged 60-74 and 75+ which are above the England average. They also identify that those two age categories are the only ones predicted to increase as a proportion of the borough's population over the subsequent 25 years. Those findings echo those of the SHMAs in identifying the likely importance of older people to the local housing market over the coming years.
14. However, since the SHMAs were carried out, the Council has adopted development plan policies that seek to deliver housing for older people, including market housing. In that context, any apparent requirement for such housing which may be identified would only represent a local housing need to justify development in the open countryside if there was compelling evidence that it would not otherwise be met through the Council's development plan strategy, including those policies.
15. Anecdotal evidence from local estate agents refers to demand for bungalows in the area. The likely reasons for that stated demand are not investigated in significant detail, although some reference is made to older people wishing to downsize. At the hearing a local Councillor also referred to constituents looking to move from larger to smaller homes to meet their future needs. However, that evidence does not indicate that bungalows would be the only means of meeting that requirement for 'downsized' accommodation.
16. Furthermore, the bungalows proposed in this case are substantial properties with 3 or 4 en-suite bedrooms, two large reception rooms and, in the main, generously-sized gardens. They may provide for people wishing to move to accommodation on a single level. However, given their size, I am not convinced that they are necessarily indicative of dwellings for all occupants wishing to downsize or that they would meet the specific demand referred to in that regard in any event. Therefore, the weight I afford that anecdotal evidence as justification for the current proposal is limited.
17. Both LHNAs included a household survey requesting responses from those aged 50 or over. The 2019 LHNA survey was sent to 52% of households in the relevant parishes and received 52 responses. The appellant suggests that, had it been sent to 100% of households, 100 responses would have been received and that it is appropriate to extrapolate accordingly. However, I am not satisfied that the low response rate was sufficient to allow wider conclusions to be reliably drawn. Furthermore, that assumption was not borne out by the subsequent 2020 LHNA survey, which was sent to 100% of households in the relevant parishes but received only 48 responses from people in the relevant age groups. Therefore, I have interpreted the figures in the surveys based on

the absolute number of respondents and have not made wider assumptions or inferences based on them.

18. Both household surveys included the question: 'would you consider buying/do you need to buy a new home suitable for those aged over 55 in [the relevant parishes]'. However, that someone may consider buying a certain type of property does not necessarily indicate a need for such a property. I cannot be certain why those responding felt that they needed to move, as no question was asked in that regard. Consequently, I do not have compelling evidence to indicate that those respondents were living in accommodation which was unsuitable or incapable of adaptation to meet their requirements, or that they would have actively considered moving had the question not been asked. The phrasing of that 'gateway' question therefore introduces significant doubt as to whether those responding could be said with certainty to be in housing need and the robustness of any conclusions drawn from those responses.
19. In any event, only 20 of the 2019 LHNA survey respondents<sup>3</sup> and 17 of the 2020 LHNA survey respondents stated that they required at least 3 bedrooms to meet the needs of their household. That figure includes 5 respondents to the 2020 survey who indicated that they required a minimum of 4 bedrooms. None of the 2019 respondents indicated a minimum of 4 bedrooms.
20. With the exception of one 4 bedroom bungalow, all of the market bungalows proposed in this case would have 3 bedrooms. Therefore, overall I consider it reasonable to take account of all of those who indicated that they would require at least 3 bedrooms in drawing comparisons with the appeal scheme. However, even having done so, the surveys indicate that the number of households that would consider buying or need to buy a 3 or 4 bedroom home is quite low.
21. Furthermore, whilst respondents were asked to express a preference for accommodation types, several indicated that they would consider other types of housing, such as flats, as well as bungalows. Therefore, even if all of those respondents were in need of alternative accommodation, I am not satisfied that any such need could only be met by bungalows.
22. However, even if I were to assume that all of those responding needed to purchase a new home suitable for those aged 55 or over and that all needed a bungalow, the number of households that needed bungalows of the size and type proposed in this case would still be low.

#### *Recent planning permissions for bungalows*

23. My attention has been drawn to recent planning permissions granted by the Council in Barrow and the adjoining parish of Whalley which include bungalows for market sale. Those permissions span a number of years and indicate that such accommodation is being delivered in the appeal parish and nearby. As such, they lend support to the Council's assertion that the development plan is functioning to provide such housing.
24. The permissions referred to include a range of bungalow sizes. However, for the purposes of my decision I have focused specifically on those permitted bungalows with at least 3 bedrooms. Any with fewer bedrooms would not be directly comparable to the 3 and 4 bedroom bungalows proposed in this case.

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<sup>3</sup> Rounded up from 19.76 (calculated based on 38% of the 52 respondents to the 2019 LHNA survey).

25. Some of the permitted properties classed by the Council as bungalows include ground floor living and bedrooms but also have first floor accommodation. I have discounted those from the figures as it is reasonable to assume that anyone responding to the LHNA surveys would assume that 'bungalow' meant a property with all accommodation at ground floor level<sup>4</sup>. I have also disregarded any affordable bungalows since they are not comparable to the market housing which the LHNAs seek to justify in this case.
26. The appellant suggests I should also disregard permitted bungalows that were not subject to a restriction limiting their occupancy to those aged 55 and over. None of the single storey 3 bedroom bungalows in the list of recent permissions were subject to such a restriction, whilst those proposed in the current appeal would be. However, I have no compelling evidence before me to indicate that those 'unrestricted' bungalows would be unavailable or unaffordable to people aged 55 and over or that those which have been built were not purchased by people of that age. Therefore, I see no reason to disregard those permitted 3 bedroom single storey market bungalows in my consideration.
27. On that basis, the evidence indicates that thirteen single storey 3 bedroom bungalows have been permitted by the Council in Barrow parish since 2016<sup>5</sup>.
28. As set out above, I have reservations as to whether the LHNA surveys indicate a compelling need for older people's market bungalows for people who are in housing which is unsuitable for their current or imminent future needs, as opposed to a more general aspiration that they may wish to move into such accommodation in the future. However, even if the LHNAs did indicate such a need, the evidence indicates that such housing is being delivered in the area.
29. The difference between the 13 bungalows recently permitted by the Council and the 17-20 respondents indicating a requirement for at least 3 bedrooms in the appellant's LHNAs is not so significant as to represent a compelling justification for the proposed market bungalows in the countryside in conflict with the Council's development strategy. 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.
30. The Council is also in the process of updating its evidence base in anticipation of a local plan review. I have no reason to conclude that such a review could not incorporate measures to address any shortfall in housing need which may be identified or that the delivery of such accommodation would not continue.
31. It was raised at the hearing that not all older people would necessarily wish to live in housing provided on large development sites. However, whilst Policy H3 only requires the provision of older people's housing on major developments, that does not necessarily imply that all such schemes would be very large. A major scheme could be as small as 10 units, and thus some degree smaller than the 24 unit scheme proposed in this case. Therefore, this does not alter

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<sup>4</sup> In this regard I was referred to the properties proposed in reserved matters application 3/2020/0332 and to a number of the properties proposed in application 3/2016/0344. I have discounted the 3 bedroom 'bungalows' from the figures provided for those two schemes accordingly.

<sup>5</sup> This figure comprises the six 3 bedroom bungalows permitted in application 3/2017/0603 and the seven 3 bedroom bungalows permitted in application 3/2018/0500 (updated by 3/2019/0862).

my conclusion that development plan policies are functioning to provide appropriate housing for older people.

32. I have not taken into account responses in the LHNAs indicating a minimum requirement for fewer than 3 bedrooms, since such requirements do not provide support for the 3 and 4 bedroom bungalows proposed in this case. In any event, the evidence indicates that 1 bedroom and 2 bedroom bungalows have also been permitted in Barrow and Whalley parishes in recent years.

*The affordable bungalows*

33. The scheme would also include 10 affordable bungalows, 2 of which would be for residents aged 55 and over. There was no dispute from the Council that those bungalows would meet a local housing need. I have no reason to conclude otherwise and I recognise that those affordable properties would represent a positive benefit weighing in favour of the scheme.
34. However, the evidence indicates that the delivery of those 10 affordable units is dependent on the delivery of the 14 market bungalows. I must consider the scheme before me as a whole. In the absence of compelling evidence to indicate a local need for those market properties, justification does not exist to warrant granting permission for the development in the countryside in conflict with the Council's development plan and its development strategy.

*Other considerations relevant to local housing need*

35. With regard to Policies DMG2 and DMH3 I have been referred to the judgment in the *Tesco v Dundee* case<sup>6</sup> which establishes that 'policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context'. My attention has also been drawn to the finding in the *Phides* case<sup>7</sup> that 'unless there is a particular difficulty in construing a provision in the plan, which can only be resolved by going to another document either incorporated into the plan or explicitly referred to in it...one must look only to the contents of the plan itself, read fairly as a whole'.
36. Based on those judgments one could take the view that, in interpreting the meaning of 'local needs housing' referred to in Policies DMG2 and DMH3, I should consider those policies on their face and without reference to the background documents referred to in the Core Strategy glossary definition. Alternatively, one could take the view that the meaning of 'local needs housing' cannot be construed without reference to the glossary, which is in the development plan, and subsequently to those documents referred to therein.
37. In either event, it would not affect my conclusion in this case. 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 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.

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<sup>6</sup> *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13

<sup>7</sup> *Phides Estates (Overseas) Ltd v SCLG* [2015] EWHC 827 (Admin)

*Conclusion on the first main issue*

38. I conclude that the proposed development would not accord with policies relating to the control of development in the countryside. It would conflict with the provisions of Policies DMG2 and DMH3 set out above and with the Council's development strategy.

***Character and appearance***

39. The Council's second reason for refusal states that the development would not represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of Barrow. However, those criteria, which are in the first part of Policy DMG2, relate specifically to development proposals *in* tier 1 villages such as Barrow. In this case it is common ground that the site is not within the settlement boundary for Barrow and is in the open countryside. Consequently, the site is not *in* the settlement of Barrow and the criteria in the first part of Policy DMG2 are not engaged.

40. Policy DMG2 goes on to state 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. Accordingly, it is on that basis that I have considered this appeal.

41. Within the Barrow settlement boundary close to the site, Whalley Road is characterised predominantly by close-knit terraced housing, some adjacent to the back of the footways, some set back behind small front gardens. That part of Whalley Road has a distinctively built-up, suburban character.

42. However, upon leaving the settlement boundary and travelling towards the site, the character of Whalley Road quickly changes. Some housing is still present along Whalley Road, up to the junction of the A671. However, those houses are generally set back from the road frontage behind hedges and landscaped front gardens. They are also generally arranged in small groups, separated from one another by very wide gaps formed by open fields with high hedgerows running alongside the road frontage. The pattern of development along Whalley Road beyond the settlement boundary is therefore distinctively more sporadic and dispersed than is characteristic of the more close-knit, built up frontages within the settlement boundary.

43. The recently-built estate on Elbow Wood Drive immediately to the south of the site is larger than is generally characteristic of housing groups along this section of Whalley Road. As such it represents a somewhat uncharacteristically suburban feature within its wider rural surroundings. Nonetheless, it still has a relatively limited frontage length along Whalley Road and is still separated from other groups of housing and from the nearby golf club buildings and car park by large expanses of open fields, including the appeal site. Consequently, even with that relatively recent development, overall Whalley Road has maintained a spacious, semi-rural character and pattern of development as it leads away from the built-up frontages within the settlement boundary and through the open countryside beyond.

44. The appeal site is a field which extends alongside Whalley Road for some distance, separating the golf club buildings and car park to the north from the built development on Elbow Wood Drive to the south. As such, the site comprises one of those distinctive wide gaps of open space between clusters of

built development which characterise this section of Whalley Road outside the settlement boundary. Consequently, in its open, undeveloped form, the site makes a positive contribution to the distinctive, dispersed character of Whalley Road and its immediate surroundings.

45. The site is on the approach to Barrow and adjacent to other housing at Elbow Wood Drive. However, it is nonetheless physically separated from the settlement boundary with intervening open fields, and with further fields opposite and open land within the golf course to the rear. Consequently, the development would be viewed in its countryside surroundings rather than in the context of the built-up part of Barrow village. The development would extend alongside Whalley Road for some distance and the buildings themselves, together with their associated access, parking and garden areas, would result in a significant expanse of suburban, domestic development that would be highly incongruous in that countryside context.
46. The development would be between the car park of Clitheroe Golf Club and existing housing development at Elbow Wood Drive. However, the consequence would be the loss of one of those wide gaps of open space which form part of the street scene's distinctive, dispersed open character at present. The scheme would result in an almost uninterrupted expanse of built development extending from Elbow Wood Drive to the end of the row of bungalows at the junction of the A671. The consolidation of those sporadic clusters of buildings into a single long expanse of predominantly residential developed frontage would significantly alter and suburbanise the character of this section of Whalley Road. As a result, the development would significantly erode the distinctive dispersed, spacious, semi-rural character of its surroundings.
47. I recognise the intention to use high quality, sympathetic materials in the construction of all of the proposed bungalows. However, that would not overcome the harm I have identified, which would arise from the physical presence of the buildings themselves and the unquestionably domestic character of their associated external areas.
48. The bungalows would be lower than other buildings nearby. They would also be set back from the road frontage. The development would therefore be screened to some degree by existing trees on the southern and western site boundaries and by the front boundary hedge and new planting once it had become established. As identified in the appellant's Landscape and Visual Assessment the effects of the development on the wider landscape would be somewhat limited. However, the proposed buildings and their associated parking, access and garden areas would be clearly visible from Whalley Road, even with the existing boundary planting and proposed landscaping. The very harmful, suburbanising and erosive effects of the development, whilst relatively localised, would thus cause significant harm to the character of their surroundings.
49. I conclude that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore not accord with Policies DMG1 or DMG2 of the Core Strategy which collectively require development to be sympathetic to existing land uses, in keeping with the character of the landscape and to take account of the relationship to its surroundings. It would also conflict with the National Planning Policy Framework (the Framework), which requires planning decisions to



contribute to the local environment by recognising the intrinsic character and beauty of the countryside.

### **Unilateral Undertaking**

50. The UU would restrict occupancy of the market bungalows to residents aged 55 and over. It would also secure the delivery of the 10 proposed affordable bungalows, 2 of which would be affordable bungalows for older people. The UU would therefore secure affordable housing and housing for older people at a level which would meet and, in some respects, exceed the requirements of Key Statement H3 and Policy DMH1 of the Core Strategy. These are positive considerations to weigh in the overall planning balance.
51. The Council has withdrawn its reason for refusal relating to the provision of affordable housing for older people on that basis. Having regard to the UU I am also satisfied that adequate provision would be made for affordable housing for older people as part of the proposed development.
52. The UU also includes obligations relating to financial contributions towards primary education provision and leisure and play facilities. Those have been calculated based on the specific scale and nature of the development. I am therefore satisfied that those obligations would be directly related and fairly related in scale and kind to the proposed development and would meet the relevant tests set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). However, the primary education and leisure and play contributions are necessary to make the development acceptable in planning terms. As such, they are neutral considerations to be weighed in the planning balance.

### **Planning Balance and Conclusion**

53. The proposal would result in development in the open countryside which, in the absence of compelling justification, would conflict with the Council's development strategy. It would also cause significant harm to character and appearance. It would therefore conflict with development plan policies DMG1, DMG2 and DMH3 as set out above. Those policies are consistent with the Framework which requires that developments are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.
54. The appellant contends that, because of the age of those documents listed in the Core Strategy glossary definition, the development plan should be considered out of date and paragraph 11 d) of the Framework engaged. Those documents are of some age. However, they are not development plan policies or part of the development plan. They are separate documents which assess housing need as part of its evidence base, but do not set specific targets or prescribe how individual development proposals should be considered. Accordingly, their age does not render the development plan itself out of date.
55. Therefore, and as it is common ground that the Council is currently able to demonstrate at least a 5 year housing land supply, I conclude that the policies which are most important for determining the application are not out of date. Accordingly, paragraph 11d) of the Framework is not engaged in this case.
56. The development would provide affordable housing beyond the level required by Policy H3. The appellant has worked closely with a local affordable housing provider and the units are intended to provide specialist, supported affordable

accommodation to meet needs in the area. That accommodation would represent a notable benefit which I afford positive weight in the planning balance. However, its delivery is dependent on the 14 market bungalows for which no local housing need has been demonstrated. The scheme would also cause significant harm to the character and appearance of its surroundings. The benefits of those affordable units are not sufficient to outweigh that conflict or the harm that would arise from the scheme as a whole.

57. At the hearing I was referred to the recently published Planning White Paper<sup>8</sup> and Changes to the Current Planning System consultation document<sup>9</sup>. In particular, it was suggested that the affordable housing now proposed may not be secured if proposals set out in the latter of those documents were to come forward. However, the implications of the recent consultation on those documents are not yet known and the proposals therein remain subject to change, thus limiting the weight I afford to them in this case.
58. The development would also contribute to overall housing supply in the borough. The site is close to local amenities and public transport links, which would be of benefit for older people's housing and for housing generally, and future occupants would provide some support for businesses in nearby Barrow. However, the benefits of the 24 dwellings proposed would not outweigh the significant harm I have identified in respect of the effect on the character and appearance of the area and the conflict with the Council's development strategy.
59. I acknowledge the appellant's history of developing housing in the area, the effects of the Covid-19 pandemic on his business and the implications that my dismissing this appeal may have for his business and staff. I was referred to the Prime Ministers 'Build Build Build' statement in response to the Covid-19 pandemic and I recognise the challenges and implications that have arisen from the pandemic and the potential role of small and medium sized construction companies in the recovery period. The development would provide support for local suppliers and employment during the construction period, and I acknowledge the appellant's stated willingness to commence the development within 12 months. However, those factors do not alter or outweigh my conclusions regarding the conflict with the Council's development strategy or the significant and lasting harm to character and appearance that would arise as a result of the proposed development in this case.
60. I am advised that the adjacent golf course and possibly other nearby dwellings could connect into the development's mains sewerage system. I have been referred to the potential for such a proposal to address existing issues with effluent in the adjacent watercourse and remove the need for the golf club to replace their septic tank. However, I was advised that the issues with the adjacent watercourse could be addressed separately through environmental health legislation and such remediation was not reliant on the delivery of this scheme. Therefore, and as the drainage design is at an early stage such that little detailed information has been provided to me in that regard, the weight I afford any benefits arising from such proposals is limited.
61. The UU also includes obligations requiring payments towards primary education, leisure and play facilities. However, those obligations relate to

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<sup>8</sup> Planning for the Future: White Paper August 2020

<sup>9</sup> Changes to the current planning system: Consultation on changes to planning policy and regulations

mitigation to make the proposed development acceptable. As such they are neutral in the planning balance rather than benefits weighing in favour of the proposal.

62. I have considered the proposal against the development plan as a whole and having regard to the *Corbett* judgment<sup>10</sup> to which I have been referred. Having done so, I find the harm arising and the conflict with those development plan policies set out above carries significant and determinative weight. That harm is not outweighed by the benefits of the scheme or the absence of conflict with other development plan policies. I therefore conclude that the development would conflict with the development plan as a whole and that material considerations do not justify making a decision other than in accordance with the development plan in this case.

63. Therefore, I conclude that the appeal should be dismissed.

*Jillian Rann*  
INSPECTOR

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<sup>10</sup> R (on the application of William Corbett) v Cornwall Council [2020] EWCA Civ 508

## **APPEARANCES**

### FOR THE APPELLANT:

David Knowles	Westbridge Developments Ltd
Joshua Hellowell	PWA Planning
Anthony Gill	Kings Chambers
Freya Lees	North Star
Andrew Booth	Calico Homes

### FOR THE LOCAL PLANNING AUTHORITY:

Stephen Kilmartin	Ribble Valley Borough Council
Rachel Horton	Ribble Valley Borough Council

### INTERESTED PERSONS:

Mashood Ahmad  
Michael Ashforth  
Nigel Clowes  
Councillor Robert Thompson

## **DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING**

1. Ribble Valley Borough Council Strategic Housing Market Assessment dated June 2013.
2. Details of other sites suggested for the Inspector to visit.
3. Copies of judgments:
  - Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
  - Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)
  - R (on the application of William Corbett) v Cornwall Council [2020] EWCA Civ 508
4. Appellant's legal submissions regarding the judgments listed in point 3, subsequent comments from the Council and appellant's final comments.
5. Ribble Valley Borough Council Core Strategy 2008-2028.
6. Emails and attachments from the local planning authority clarifying details regarding applications referred to in submissions and at the hearing.
7. Unilateral Undertaking dated 29 September 2020.
8. Appeal and costs decisions for appeal reference APP/T2350/W/20/3248156 and appellant's comments.