



Parish Clerk: Patricia Rosthorn, [REDACTED]  
Email: clerk@highamparishcouncil.com

19<sup>th</sup> November 2024

The Principal Planning Officer  
Planning, Building Control and Regulatory Services  
Town Hall  
Market Street  
Nelson  
BB9 7LG

Dear Sir / Madam

**Re: Draft Pendle Local Plan 4<sup>th</sup> Edition (2021-2040) – Consultation**

Higham Parish Council notes that the effect of paragraphs 4.38 - 4.41 of the revised draft plan is to exclude any proposals for alteration of the existing Green Belt on the grounds that no “exceptional circumstances” can be met – thereby, effectively rejecting the Parish Council’s submission that (in accordance with the recommendation in the Green Belt Assessment Report by DLP Planning Limited Strategic Planning & Research Unit) a new Parcel No.001a, abutting the A6068 and the west and north-west edges of Higham settlement boundary, should be incorporated in the draft plan.

Higham Parish Council still believes that there are sufficient grounds to meet the requirement of “exceptional circumstances” in respect of that Parcel for the reasons set out in its representation letter dated 15.08.2023, which in substance remain the same. Accordingly, that letter (with attachment) is re-copied herewith.

The Parish Council therefore wishes to maintain their submission and requests that this be reviewed and Parcel 001a be included in the Draft Plan for consideration and decision by the Inspector.

Yours faithfully

[REDACTED]

Patricia Rosthorn  
Parish Clerk  
For and on behalf of Higham with West Close Booth Parish Council

7/10/23

# HIGHAM

with West Close Booth

## PARISH COUNCIL

Parish Clerk: Patricia Rosthorn, 38 Acres Brook Road, Higham, BB12 9BY

The Principal Planning Officer  
Pendle Borough Council  
Town Hall  
Nelson

15<sup>th</sup> August 2023

Dear Sir

**Draft Pendle Local Plan 4<sup>th</sup> Edn (2021-2040) – Consultation**

Higham Parish Council wishes to make the following representations in relation to the Draft Pendle Local Plan.

Paragraph 4.38 of the draft Plan refers to the independent Green Belt Assessment Report by DLP Planning Limited Strategic Planning & Research Unit and states that *'it provides clear and robust conclusions'*. That expert report was adopted by the Council in August 2017. Its conclusions essentially support the existing Green Belt structure but recommend certain individual modifications – including, in relation to Higham, the recommendation for a New Parcel No.001a abutting the A6068 and the west and north-west edges of Higham settlement boundary. However, the final sentence of draft Paragraph 4.38 states that no changes to Green Belt boundaries are proposed in response to the conclusions of the Report. The Parish Council submits that the Local Plan should accept and incorporate the recommendation for New Parcel No. 001a and requests that further consideration be given to this.

It is appreciated that, as the Assessment Report makes clear and as is required by NPPF 2021 paragraph 140, "exceptional circumstances" must be demonstrated to justify any alteration to established Green Belt boundaries. It is, however, submitted that that requirement should be viewed in the context and flavour of the ensuing NPPF paragraphs 141 & 142 which are effectively directed primarily towards the need to justify proposed removals of land from the Green Belt for the purposes of development. There appear to be no contextual guidelines, definitions or clear precedents in relation to exceptional circumstances for additions to the Green Belt, although it does appear to have been established that either a single or a combination of factors can suffice.

It is submitted that the addition of proposed New Parcel 001a is particularly important and can be justified in the following circumstances:

- The Assessment Report in itself demonstrates the underlying reasons and rationale for the addition of the Parcel with a significantly high rating against the relevant Green Belt Purposes, namely: Purpose 1 "Critical", Purpose 2 "Moderate", Purpose 3 "Major". That expert objective assessment therefore establishes a prima facie case in support of the inclusion of the parcel.
- Without the inclusion of this parcel the area stands out, by way of seemingly obvious exception (and therefore exceptional circumstance), from the otherwise comprehensive enclosure by Green Belt of the villages and ribbon areas along both sides of the A6068 between Barrowford and Padiham. Consequently, it inappropriately distinguishes and disadvantages this equally essential countryside area from those adjacent and directly comparable areas. It puts the area at comparative and inappropriate risk of future invasion and lack of protection. Reference is made to the attached coloured and annotated plan, extracted from the Pendle Proposals Map, on which the area stands out, in white, as the only non-green-belt area surrounding the road - apart from two areas (Trough Laithe and Lomeshaye Phase 2) which have already been sacrificed for strategic reasons.
- In historical terms, this anomalous position apparently arose because the area originally fell into the later-abolished Burnley Rural area, whose focus had been Burnley/Padiham based and whose Green Belt boundary had therefore been confined to the southern side of the A6068 - whereas the remainder of the relevant area, north of the A6068, was in Pendle, whose policy was to maintain a Green Belt zone surrounding the A6068 and, among other things, enclosing the village settlement areas of Fence, Wheatley Lane and Higham. It is submitted that this historical anomaly in itself creates an "exceptional circumstance" unique to this site and justifying Green Belt boundary correction.
- It was Pendle's wish to correct that anomaly and create a consistent Green Belt pattern to include the area in question. That intention was incorporated in the 1996 draft Local Plan but as part of a larger area proposal extending northwards to the AONB boundary along Stump Hall Lane. That proposal was rejected by the Inspector apparently on the grounds of lack of reason to extend to and use the AONB boundary and insufficient exceptional circumstances at that time - but apparently without specific reference to the above historical circumstance.
- The now-proposed Parcel No.001a is a significantly smaller and more directly relevant area than the 1996 proposal and merits further consideration and inclusion. It would, within modest proportion, complete the Green Belt protection zone around the Higham village settlement area, consistently with the policy for the other A6068-adjacent villages and areas.
- The proposed Parcel has in itself become an increasingly important hinterland adjunct to the Higham settlement area - serving the purposes of the Green Belt characterisations set out in paragraph 4.34 of the Draft Local Plan, namely:
  - a) providing access to and preserving key views of the countryside from the urban village settlement,



- b) maintaining a strong rural landscape character by retaining the physical setting, scale and character of the village, and
- c) offering opportunities for leisure and recreation

That is because the four fields which comprise the parcel constitute an important closely-connected rural backdrop to the village and are to an extent different in character and use from (although, importantly, affording direct footpath access to) the adjoining open countryside, which then links to the AONB boundary along Stump Hall Rd/Sabden Rd. These fields include, at their borders, two tree-lined streams (one of which, Acres Brook, is also a significant TPO area along the whole west and north-west edge of the settlement area), a flora- and fauna-friendly agricultural buffer-zone and two other streams; the fields are criss-crossed with both formal and informal footpaths, directly accessed from the village and widely used by village residents and children for walking (including but not limited to dog-walking) and associated leisure purposes.

- Higham has a significant historical heritage and character. Its central Conservation Area contains a variety of historic structures and buildings dating from the 1300s onwards. As well as its 18<sup>th</sup>/19<sup>th</sup> century industrial revolution and Methodism heritage it also has important 16<sup>th</sup> century connections with the Lancashire Witches and Sir Jonas Moore. In these respects it ranks with the key Pendle villages of Barley, Roughlee and Newchurch. They fall within the Forest of Bowland AONB area and are therefore highly protected in planning terms. Higham does not, but at present has managed to maintain a separate, individual, Pendle village character. Short of AONB protection, full green-belt-surround by the addition of Parcel 001a is the next best thing and is appropriate to assist (per para 4.34(b) of the draft Plan as referred to above) “retention of its individual physical setting, scale and character”.
- The stated purpose of the Lancashire Green Belt is to restrict the sprawl of built-up areas. That presumably includes the risk of sprawl westwards from the Higham settlement area. In that context, the proposed parcel is particularly relevant where it abuts the northern side of the A6068 to the west of the Higham village settlement area - because, opposite on the southern side, there has already been a housing development on the former Fir Trees Mill site which constitutes, along with an adjacent line of six old semi-detached houses (technically in Burnley, Ightenhill Parish), a potential ribbon development adjacent to but outside the settlement area. The proposed Parcel 001a would appropriately protect the northern side of the road, and the west of Higham, from any matching development.
- Circumstances have changed since 1996. There is a substantially greater national requirement for additional housing which therefore increases the potential vulnerability of all areas – but especially those which stand out from others as having a lesser level of protection from development. Pendle Borough has current experience of the bombardment of applications by developers on vulnerable, not incomparable, green but non-greenbelt, areas - which the Council has been trying to resist, with indifferent success (eg Oaklands, Pasture Lane, The Rough, Lenches).

- In the last year, Higham Parish has itself been targeted with applications for a "small" housing development, by a land-banking development company which has also acquired most of the surrounding land, on the former Roaming Roosters site, tenuously claimed to be a brownfield site. This is near, but outside, the Fence settlement boundary and directly abuts the A6068 - a not dissimilar position to the southerly part of proposed Parcel 001a west of the Higham village settlement area and abutting the A6068 opposite the Fir Trees development. It is unrealistic to suggest that before 2040 this stand-out, more vulnerable, non-greenbelt, area will not be under threat.
- The first of those Roaming Roosters applications has recently been dismissed by the Inspector on appeal on the specific ground that the high protective bar of "very special circumstances" for development within a Green Belt area was applicable and had not been overcome. That demonstrates the additional level of protection provided by the Green Belt and the justification for similar designation in this directly comparable area of the Parish.
- There is an increased need, recognised in the draft Plan, to reinforce wherever possible the protection of green areas not specifically identified for development and affording important green-space facilities for adjacent settlement areas. That renders it the more important, where, as in this case, there is the opportunity, to rationalise local policy and area assessments by the correction of inconsistent and potentially damaging anomalies such as this GreenBelt omission.
- In the latter context, it is observed that, under para 4.41 of the draft Plan, a rationalised addition to the Green Belt has been included, which appears to derive from the Parcel 024a and 024c recommendations in the Green Belt Assessment Report. That is justified on the grounds of technical errors which failed to incorporate the original Green Belt intentions of the Council. There is, perhaps, no great difference in the case of Parcel 001a where the Pendle Green Belt intention was to encompass the whole A6068 and village settlement periphery but at the time this area got left out because it was outside the later-changed jurisdictional area.
- It is respectfully submitted that the Council should therefore adopt an approach in the draft Plan which is consistent with its previous intentions and current policies. The proposal for Parcel 001a accords with that and is justified for the above reasons, which it is submitted are capable of classification as exceptional circumstances.

We ask that favourable consideration be given to the above representations.

Yours faithfully



Patricia Rosthorn  
Parish Clerk

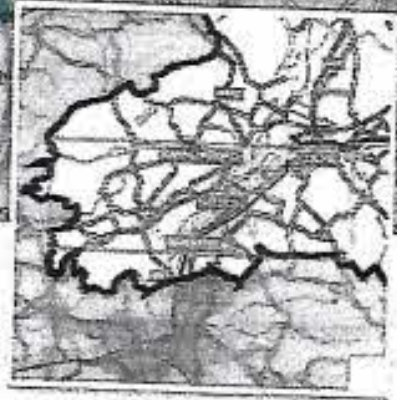
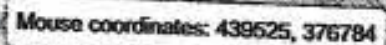
For and on behalf of Higham with West Close Booth Parish Council



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