



Appeal Decision

Hearing held on 21 January 2014

Site visit made on 22 January 2014

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 6 March 2014

Appeal Ref: APP/F2360/A/13/2202973

Coote Lane, Farington, Leyland, Lancashire

- 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 Peter Chester, Mrs Sheilagh Chester and Mr Michael Gould against the decision of South Ribble Borough Council.
 - The application Ref 07/2012/0692/ORM, dated 19 November 2012, was refused by notice dated 14 March 2013.
 - The proposed development is described as outline planning for the erection of 107 no. dwellings on land off Coote Lane, Farington. 105 no. dwellings to be served by access from Coote Lane, for which approval is sought. 2 no. dwellings to be accessed from existing Church Lane access to Bridgend.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application the subject of this appeal is in outline with all detailed matters, except access, reserved for future consideration.
3. Prior to the Hearing, the appellants submitted a unilateral undertaking pursuant to section 106 of the *Town and Country Planning Act 1990*. A formally completed version of the document, dated 23 January 2014 (UU), which reflected changes discussed at the Hearing, was submitted, as agreed, after the close of the event. I have taken it into account.

Main Issue

4. I consider that the main issue in this case is whether the proposal would amount to a sustainable form of development, with particular reference to: housing supply; the Council's ability to manage the comprehensive development of the area; the safety and convenience of highway users; as well ecology.

Reasons

Housing supply

5. The Framework confirms that local planning authorities should identify and update annually a supply of specific deliverable sites to provide 5 years worth

of housing against their requirements. An additional buffer of 20% should be identified where there is a record of persistent under delivery of housing, as is acknowledged by the Council to be the case; that is a total of 6 years worth of housing.

6. Policy 4 of the *Central Lancashire adopted Core Strategy, 2012* (CS) sets a minimum requirement of 417 dwellings per year over the plan period and indicates that under provision from previous years up to 2010 should be made up over the remainder of the plan period. In appeal decision Ref. APP/F2360/A/12/2188154 the Inspector favoured making up any shortfall arising after 2010 in the following 5 years. However, since then the Inspector's *Partial Report on the Examination into the Site Allocations and Development Management Policies Development Plan Document* (SADPD) has been published. The SADPD Inspector determined that an approach of dealing with the shortfall over the plan period is sound. Her reasoning included: that the buffer of 20% already has regard to the under provision; and, that, based on past experience, additional windfall completions are likely in this particular area. The second of these factors appears not to have been taken into account by my other colleague¹ when considering the treatment of past undersupply. Whilst the appellants have drawn my attention to a number of appeal decisions in which the Inspectors favoured making up any historic shortfall within 5 years, they were not dealing with housing supply in the Borough of South Ribble and so I have found their findings to be of little assistance. I consider that the approach advocated by the SADPD Inspector is reasonable in the particular circumstances of the Council's area.
7. Furthermore, the SADPD Inspector found the Development Plan Document to be sound on all matters except Gypsy and Traveller accommodation, in relation to which a supplementary Hearing session and report are planned in 2014. A partial version of the SADPD has subsequently been produced by the Council in line with the Inspector's report (SADPDpv). Although it has not been formally adopted, due to the outstanding issue of Gypsy and Traveller accommodation, it has been endorsed by the Council for development management purposes. Given its advanced stage towards adoption, I consider that the provisions of the SADPDpv can be afforded significant weight.
8. There is no dispute between the Council and the appellants that during the period 2003-2013 there was an under provision of 809 dwellings, which if spread over the remaining 13 years of the plan period equates to 62 dwellings per annum; a total requirement of 479 dwellings per annum². I consider that it is appropriate to regard this figure as the Council's housing requirement.
9. In their appeal statement the appellants suggest that SADPD allocated sites without planning permission should be discounted from housing land supply calculations. I do not agree. As I have indicated, I consider that the SADPDpv has advanced to a stage at which its housing provisions can be afforded significant weight and under those circumstances, to discount allocated sites from the housing land supply calculations until planning permission has been secured would render the DPD allocations process meaningless. The appellants have also drawn my attention to the 2012 SHLAA's identification of the appeal site as having the potential for development from 2016-17. However, the SADPD Inspector determined that it was not necessary to allocate the appeal

¹ Appeal decision Ref. APP/F2360/A/12/2188154.

² 417 + 62.

site for housing to make the SADPD sound. She confirmed that the Plan made provision for deliverable sites with an estimated capacity of 3484 dwellings over the first 5 years. This would equate to 7.3 years worth of housing land and was the position confirmed by the Council's March 2013 *Housing Land Position* statement (HLS).

10. At the Hearing the Council confirmed that, in accordance with a principle set out in appeal decision Ref. APP/F2360/A/12/2188154, it had since discounted from its calculation 96 windfall units, which were the subject of pending applications, as there is no guarantee that those applications would be successful. This reduces the supply over 5 years to 3388 units, which, in terms of its requirements, is equivalent to 7.1 years of supply. This revised position was set out in a summary Housing Land Supply spreadsheet (SHLSs).
11. The appellants have provided a document entitled '*Schedule of main changes to the 5 year supply*' (SMC), which showed a comparison between the Council's and their own assessment of the likely rate of delivery of housing on 12 strategic sites included in the Council's HLS.³ For a variety of reasons the appellants anticipate a slower rate of delivery, which they estimate would reduce the supply over 5 years by 853 units to 2535, equivalent to 5.3 years at 479 dwellings per annum. The appellants indicated that in a number of cases its estimates had been based on information from those with an interest in the sites. For its part, the Council confirmed that the phasing of development set out in the SADPDpv and HLS is based on discussions with the relevant landowners and developers, with whom the Council monitors development progress regularly. While the Council acknowledged that progress since March 2013 has been slower than expected on some sites, it considers that the impact is unlikely to be as great as suggested by the appellants. Furthermore, the Council pointed out that the SMC provides only a partial picture, taking no account of those sites that have come forward more quickly than anticipated. The Council is in the process of compiling the annual update of its housing land supply position required by the Framework. However, it considers overall, its assessment that supply exceeds 7 years remains robust.
12. Neither the appellants nor the Council have provided documentary evidence identifying the parties consulted or their interests and views. In the absence of such evidence, I consider that, for a number of reasons, the Council's assessment should be afforded greater weight. Firstly, given its formal role in routinely monitoring development progress, it is likely to have a good understanding of who to consult and the extent to which the views of those consultees can be relied upon. Secondly, the output from that work has informed the SADPD and the Council has confirmed that the SADPD Inspector looked into the deliverability of strategic sites and found no evidence of significant difficulties. The housing land supply provisions of the emerging Plan were found to be acceptable. I am also conscious, even if the Council has been unduly optimistic in relation to some sites, such as the larger strategic sites, it appears likely that there is significant scope for delivery to be somewhat slower than it anticipated whilst remaining above the level required by the Framework.
13. Based on the evidence presented, I consider that there is a realistic prospect that the supply of specific deliverable sites identified by the Council will deliver

³ The appellants confirmed that this document supersedes the assessment upon which paragraph 8.14 of its appeal statement was based.

6 years worth of housing against their requirements within 5 years, in accordance with the aims of the Framework.

14. In September 2013, Preston City Council, South Ribble Borough Council and Lancashire County Council agreed, in principle, a City Deal, the purpose of which is to drive forward growth and make the most of their area's assets and opportunities. I understand that the pace of development needed to achieve the aims of the City Deal as regards new housing over a 10 year period may be greater than would be achieved by the phasing currently set out in the SADPDpv. However, the precise programme for delivering City Deal housing requirements over the first five years has yet to be determined by the Council and there is no formally adopted policy requirement to deliver housing at a higher rate than set out in the SADPDpv. Under these circumstances, I give little weight to the appellants' concern that the objectives of the City Deal would not be met.
15. 30% of the proposed dwellings would comprise Affordable Housing, in keeping with the target for urban parts of the Borough of South Ribble set out in CS Policy 7. However, the reasoned justification for the Policy indicates that the Housing Market Viability Study demonstrated that market housing could support 30% of the scheme being affordable in most locations. Therefore, while the proposal would meet the requirements of CS Policy 7, I have no reason to believe that the same could not be said of many, if not all, of the SADPDpv allocated sites.
16. I conclude overall, having had regard to the requirements of the Framework and local housing policy, that the proposed development is not necessary at present to ensure that the housing needs of the Borough are met.

Ability to manage the comprehensive development of the area

17. The site, which comprises for the most part of agricultural land, is bounded by: Coote Lane to the north, railways to the northwest and northeast; and, a residential area to the south. Notwithstanding its close association with an urban area identified by CS Policy 1 as a focus for growth and investment, the appeal site is designated as Safeguarded Land under the terms of Policy D8 of the South Ribble Local Plan, 2000 (LP). This designation has also been carried forward in SADPDpv Policy G3. The appeal site, together with an area of land to the west on the other side of a railway, is identified as a discrete area of Safeguarded Land to the south of Coote Lane and Chain House Lane under both LP Policy D8 (location f)) and SADPDpv Policy G3 (location S3). The provisions of those Policies also include the designation of a neighbouring area of land, immediately to the north of Coote Lane, as Safeguarded Land. Furthermore, whilst the site is not safeguarded for all time, the Policies indicate that existing uses will for the most part remain undisturbed during the plan period or until the Plan is reviewed. Planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land. The reasoned justification for the Policy indicates that the presumption against built development on these sites will assist in directing development towards those areas allocated for development and also ensuring the permanence of the Green Belt. The SADPD Inspector determined that Policy G3 is consistent with national policy and the CS. I consider therefore, that it attracts significant weight and that LP Policy D8 can be regarded as being up-to-date insofar as it relates to the appeal site.

18. LP Policy D8 and SADPDpv Policy G3 confirm that the safeguarded areas are not designated for any specific purpose. Whilst it may be possible to develop the appeal site in isolation from the remainder of location f) (SADPDpv location S3), it is by no means certain that housing would be required here as part of the comprehensive development of the area. At the Inquiry the appellants suggested that the local road network, in particular those sections through neighbouring residential areas, may be unsuitable for routine use by large commercial vehicles, thereby limiting the scope for alternative uses of the appeal site. However, the Council indicated that even if this were the case it would not rule out other uses; for example offices, and the appropriate role to be played by the appeal site as part of the comprehensive development of the area is a matter to be determined in the future in light of the development of allocated sites. I consider that the scheme would conflict with the aims of LP Policy D8 and SADPDpv Policy G3, seriously undermining the Council's ability to manage the comprehensive development of the area.
19. The appellants have drawn my attention to a case in which planning permission was granted for residential development of an area designated as Safeguarded Land under the terms of LP Policy D8, appeal Ref. APP/F2360/A/12/2178019. However, the circumstances were materially different from those in the case before me, both in terms of housing land supply and the weight to be afforded to emerging policy. Consequently, I have found that decision to be of little assistance.
20. At the Hearing Council indicated that at the time when the appeal planning application was under consideration the *Lancashire County Council Central Lancashire Highways and Transport Master Plan (TMP)* was in draft. Its requirements and the degree to which the scheme would accord with them were unclear. Consequently, the Council's fourth reason for refusal indicated that the information submitted in support of the application failed to demonstrate that the site can appropriately integrate with the TMP and that the proposal can contribute to the necessary infrastructure to appropriately mitigate the impact of the development on the highway network.
21. However, since then the TMP has been formally adopted, as has the Council's Community Infrastructure Levy (CIL) schedule, which became effective in September 2013. Under its terms, in the event of planning permission being granted for the proposal, CIL would be payable. Whilst a judicial challenge has been lodged against the CIL schedule, which has yet to be determined, the appellants have submitted a UU which would, amongst other things, provide an alternative means of securing necessary contributions towards off-site infrastructure in the event that the requirements of the CIL schedule could not be imposed. Under these circumstances, the Highway Authority confirmed at the Hearing it is now content that the proposal could be satisfactorily integrated into the surrounding transport network in accordance with the requirements of the TMP. For its part the Council confirmed that it could not identify any specific areas of conflict between the proposal and provisions of the TMP. Under these circumstances, I consider it unlikely that the scheme would conflict with the aims of the TMP or prejudice the delivery of planned infrastructure in the area.
22. Nonetheless, I conclude overall that the proposal, which would conflict with LP Policy D8 and SADPDpv Policy G3, would harm the Council's ability to manage the comprehensive development of the area. That is, to ensure sufficient land

of the right type is available in the right places and at the right time to support growth; and, to coordinate development requirements. This weighs heavily against the scheme. My conclusion is consistent with the findings of the SADPD Inspector in response to suggested piecemeal development of location S3.

The safety and convenience of highway users

23. The existing driveway leading to Bridgend, off Church Lane, would provide access to 2 of the proposed dwellings. The remainder would be accessed off Coote Lane at a point part way between two road bridges over railways. The road bridge to the west of the proposed Coote Lane access comprises a single lane with priority given at present to eastbound traffic. Off-site highway works related to the scheme would include lowering of the speed limit along the section of Coote Lane to the east of the site access and reversing the priority given to traffic over the nearby single lane road bridge from eastbound to westbound.
24. The application Transport Assessment, October 2012, (TA) confirms that there have been only a small number of recorded accidents, all of slight severity, along Coote Lane in the period of 3 years leading up to the TA. A number of local residents have suggested that the formal records upon which the TA's accident analysis is based do not fully reflect the history of accidents along Coote Lane. At the Hearing, a local resident indicated that she is aware of a number of accidents that had occurred in the last 5 years which she thought were not formally recorded. She said that 2 car accidents had occurred, which in her view were probably caused by speeding and resulted in the vehicle being written off. She also indicated that in other incidents a cyclist had been knocked of their bicycle and road signage has been damaged. I consider that insofar as these incidents were caused in part by speeding vehicles, the likelihood of similar incidents in the future would be reduced by the proposed speed limit. Based on the limited evidence available, a fuller assessment of the likely causes and potential implications of the incidents referred to cannot be carried out. Nonetheless, in my judgement, accident rates associated with Coote Lane appear to be relatively low, even if the unrecorded events referred to are taken into account.
25. To the west of the proposed Coote Lane access point, beyond a relatively straight section of highway, there is a bend in the lane which restricts forward visibility. At the Hearing a number of local residents indicated that eastbound vehicles travelling around this bend towards the appeal site often encounter on-street parking, which causes them to cross into the oncoming lane. They expressed the concern that additional traffic emerging from the appeal site in a westbound direction would increase the potential for vehicles to come into conflict with those eastbound vehicles. Furthermore, as priority is planned to be given to westbound traffic over the single lane bridge, this would be likely to lead to eastbound traffic rounding the bend and being faced by a queue of stationary traffic waiting to cross the bridge; again increasing the potential for conflict. However, the Highway Authority indicated that these concerns could be addressed, if necessary, by extending the proposed speed limit restriction past the site to the nearby bend. It confirmed that the need for this would be a matter for consideration as part of the detailed design of the highway works, which would be subject to road safety audit. I consider that the details and

implementation of off-site highway improvement works could be secured by conditions.

26. The Highway Authority has confirmed that, contrary to a concern raised by interested parties, its investigations have established that the periods during which TA traffic surveys had been undertaken did not include school holidays. It considers the survey results to be reasonably representative. I have not been provided with any compelling evidence to the contrary or that casts serious doubt over the conclusions of the traffic modelling reported in the TA. It indicates that, based on the survey results, local highway junctions would operate within capacity with the additional traffic likely to be associated with the appeal scheme.
27. A local resident has indicated that in the mornings westbound traffic often backs up along Coote Lane from the junction of Chain House Lane with the A582. That junction lies outside the area within which junctions were modelled as part of the TA. Nonetheless, based on the traffic surveys and trip distribution data set out in the TA, it appears to me that, relative to existing westbound flows arriving at that junction in the am peak hour, the additional contribution made by the proposal would be small. In my view, it would be unlikely to materially exacerbate the westbound queuing referred to. Furthermore, the proposed development would not significantly increase traffic flows using the Charnock Moss/Coote Lane junction, in relation to which some residents have raised concerns with respect to inadequate driver sightlines.
28. At the Hearing a number of objectors indicated that the traffic queues which form from time to time on Coote Lane, due to the single lane restriction across the road bridge to the west of proposed site entrance, would be made worse by traffic associated with the proposed development. However, no survey evidence has been provided to quantify the existing scale and frequency of such events. The appellants have indicated that the theoretical capacity of the priority flow arrangement over the bridge is greater than the likely flows. Furthermore, the Highway Authority confirmed that, in its assessment, the proposed flows would not be so high as to materially exacerbate any existing issues. In addition, when it drove the route during the am peak hour on the day of the Hearing there was no significant queuing. It is satisfied that the proposed development would be unlikely to cause any significant congestion problems on Coote Lane.
29. Based on what I have heard, read and seen, in my judgement the scheme would be unlikely to have a material adverse impact on either the safety or convenience of highway users.
30. The third reason for refusal given by the Council on its decision notice for refusal of planning permission indicated that insufficient information had been submitted to demonstrate that the proposal would not prejudice highway safety and the movement of highway users. However, the appellants subsequently submitted further information, which resulted in a *Statement of Common Ground-Highways* (SoCGh) being agreed between the appellants and the Highway Authority. It indicates that, subject to the imposition of conditions, the Highway Authority is satisfied that the effect of the proposal on the safety and convenience of highway users would be acceptable. At the Hearing the Council confirmed that it defers to the Highway Authority on matters of

highway safety and does not challenge the contents of the SoCGh. This adds further weight to my finding.

31. I conclude that, subject to the imposition of conditions, it is likely that the effect of the proposal on the safety and convenience of highway users would be acceptable. In this respect it would not conflict with the aims of LP Policy QD1.

Ecology

32. The fifth reason for refusal given by the Council on its decision notice for refusal of planning permission indicated that insufficient information had been submitted to demonstrate that there would be no adverse impacts on wildlife or their habitats to enable an informed view to be made on the proposed development. The appellants subsequently submitted a series of ecological studies, which included consideration of whether the site is likely to be used by a number of protected species. The Council has confirmed that sufficient information has now been submitted to demonstrate that, subject to conditions, the proposal would not have an unacceptable impact on local wildlife or their habitats. These matters, along with the withdrawal of the Council's fifth reason for refusal, are confirmed by the *Statement of Common Ground-Ecology* agreed between the Council and the appellants. I have no compelling reason to depart from that position.
33. I conclude it is likely that, subject to the imposition of conditions, the effect of the proposal on ecology would be acceptable and that the scheme would not conflict with the aims of CS Policy 22 or LP Policy ENV4.

Other matters

34. The site lies within Flood Zone 1, as defined by the Environment Agency's Flood Maps, where the risk of flooding is low. At the Hearing an interested party expressed the concern that the lodges, which run through the southern section of the site and are used to drain the local area, do not have the capacity to take additional flows from the proposed development. However, the appellants have confirmed that the surface water drainage for the site would be designed to ensure that run-off rates would be no higher than existing levels. Subject to this, the Environment Agency has not objected to the scheme. I consider that such a restriction could be secured by condition and, under those circumstances the scheme would be unlikely to have an unacceptable impact on local surface water drainage facilities.
35. The scale and form of development proposed would be in keeping with the character of residential development to the south and east of the site. The scheme would include a number of measures to encourage the use of modes of transport other than the car to travel to and from the site. These would include improved footway connections to and from the surrounding area, for the benefit of future residents and the wider community, as well as contributions, secured by the UU, to allow the enhancement of the local bus service and to ensure the implementation of a Travel Plan that promotes sustainable modes of transport. In these respects the scheme would accord with the aims of CS Policy 3. I consider that the site would be a location from which jobs, shops and services would be reasonably accessible by sustainable modes of transport.

36. As I have indicated the UU makes provision for contributions towards off-site infrastructure improvements, in the event that the CIL schedule cannot be relied upon, and the promotion of sustainable modes of transport. I am satisfied that these planning obligations would meet the tests of obligations set out in the Framework. That is: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development.

Conclusions

37. The Framework seeks to promote sustainable development by, amongst other things: ensuring sufficient land of the right type is available in the right places and at the right time to support growth; and, coordinating development requirements. It indicates that the planning system is plan-led, with applications for planning permission being refused for development which conflicts with an up-to-date Local Plan unless other material considerations indicate otherwise. I have found that the effect of the proposal on the safety and convenience of highway users and ecology would be acceptable. However, the scheme is not necessary at present to ensure that the housing needs of the Borough are met. Furthermore, it would conflict with the aims of LP Policy D8 and SADPDpv Policy G3 and would harm the Council's ability to manage the comprehensive development of the area. I conclude on balance, having had regard to the other matters raised, that the scheme would not amount to a sustainable form of development under the terms of the Framework. In my judgement, the harm that I have identified could not be satisfactorily mitigated through the imposition of the conditions that have been suggested to me.

38. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins
INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr M Gould	One of the appellants.
Mr P Crompton	BE Group.
Miss S Syeda	BE Group.
Mr A Davies	DTPC .

FOR THE LOCAL PLANNING AUTHORITY:

Mrs D Holroyd-Jones	South Ribble Borough Council.
Ms Z Harding	South Ribble Borough Council.
Mr Neil Stevens	Lancashire County Council.

INTERESTED PERSONS:

Ms E Robb	Local resident.
Councillor R Clarke	Farington Parish Council.
Councillor M Otter	Lancashire County Council.
Councillor G Walton	South Ribble Borough Council.
Mr D Riding	Local resident.
Mr T Duckworth	Local resident.
Miss S Walton	Local resident.
Mr A Rustage	Local resident.
Mr K Finch	Local resident.

DOCUMENTS

- 1 Letters notifying interested persons of the appeal and the Hearing arrangements.
- 2 Correspondence in response to the appeal notifications.
- 3 Summary Housing Land Supply spreadsheet (SHLSs).
- 4 Central Lancashire Affordable Housing Supplementary Planning Document, October 2012.
- 5 Application plan drawing no. 04C (now superseded).
- 6 Suggested conditions.
- 7 South Ribble Local Plan, February 2000.
- 8 Central Lancashire adopted Core Strategy Local Development Framework, July 2012.
- 9 South Ribble Borough Council Site Allocations and Development Management Policies Development Plan Document, partial version November 2013 (SADPD).
- 10 Schedule of main changes to 5 year supply (SMC).
- 11 Photographs, sheets 1-3.