



# Planning Proof of Evidence of Stephen Harris BSc Hons MRTPI

Appeal for up to 100 dwellings – Chain House Lane,  
Whitestake, South Ribble

for Wainhomes (North West) Ltd

PI Ref: APP/F2360/W/19/3234070

LPA ref: 07/2018/9316/OUT

Project : 18-294  
Site address : Chain House Lane,  
Whitestake  
Client : Wainhomes (North West)  
Ltd  
  
Date : February 2021  
Author : Stephen Harris

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## 1. Introduction

- 1.1 This Proof of Evidence has been prepared on behalf of Wainhomes North West Limited (hereafter referred to as the Appellant) following the refusal of a planning application by South Ribble Borough Council, reference 07/2018/9316/OUT for the erection of up to 100 dwellings with access and associated works.
- 1.2 This appeal is the subject of a redetermination in light of the original decision being quashed due to legal errors. In this Proof of Evidence I will demonstrate that the reasons for refusal are not justified and planning permission should be granted accordingly. In coming to that conclusion I also refer to the separate Housing Supply Proof of Evidence of my colleague Ben Pycroft.
- 1.3 The Council has agreed that Reason for Refusal 3 can be withdrawn. Therefore this evidence deals with Reasons for Refusal 1 and 2 as well as the issues raised by third parties.

### Qualifications

- 1.4 I am Stephen Andrew Harris. I am a Chartered Town Planner with over 21 years' experience in private practice. I am a Director of Emery Planning Partnership, based in Macclesfield, Cheshire.
- 1.5 I am instructed by the Appellant and am familiar with the site and the details of the case.
- 1.6 I have considerable experience in dealing with housing and sustainability matters, including sites across the North West. I am familiar with the policies of the development plan, including the housing requirements and locational policies. Emery Planning was instructed by Wainhomes to make representations and attend the examinations for both the Central Lancashire Core Strategy and South Ribble Local Plan.
- 1.7 I rely upon the background information set out in the Statement of Common Ground (SoCG) and only repeat it where it is necessary to develop the case. I also provide a separate summary and set of appendices. A core document list is included within the Statement of Common Ground (SoCG).
- 1.8 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and

that the opinions expressed are correct, and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.

## **2. The appeal proposal**

2.1 Please see the Statement of Common Ground (SoCG).

2.2 The access plans and illustrative layout were revised and submitted to the LPA as part of an updated TA in September 2019 (**CD3.15**). This was raised with the Inspector during the Case Management Conference for the original appeal and it was agreed that the change was minor and that it would cause no prejudice. The only change was that the access plan and masterplan were revised to avoid a tree on the north eastern boundary. This was undertaken with the agreement of the LPA and LCC as Highway Authority. Therefore the plans to be considered at the previous Inquiry and which this appeal is to be determined are:

- SCP 18355/FO2 Rev B (**CD3.5**); and,
- 1638WHD/CHL/IM01 Rev B (**CD3.3**).

## **3. Site and area description**

3.1 Please see the Statement of Common Ground.

## **4. Relevant planning history**

4.1 Please see the Statement of Common Ground.

## 5. Planning Policy Context

5.1 The appeal site is located on a greenfield site located west of Lostock Hall. However it has been designated as safeguarded land (G3), with adjoining land (sites S2, S4 and EE) which are allocated for development in the development plan (Policy D1). This is an area specifically identified for growth in the development plan.

5.2 Policy 1 "Locating Growth" of the Central Lancashire Core Strategy (CLCS) sets out a strategy for the strategic distribution of growth and investment having regard to an identified settlement hierarchy. It specifically identifies the greenfield land *between south of Penwortham and north of Farington* as a strategic location, and an area in which "*Growth and investment will be concentrated in*".

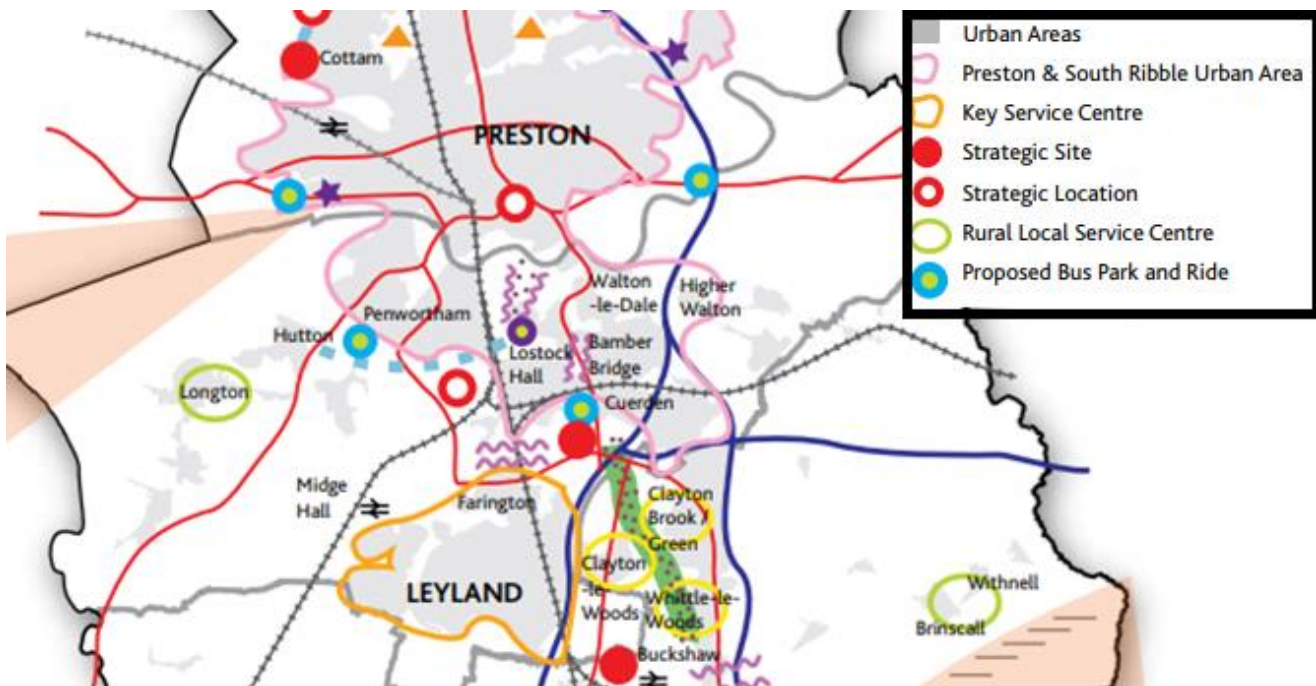
5.3 Paragraph 5.26 of the CLCS advises that strategic locations are not 'sites' because:

*"it is not possible to define precise boundaries at this stage, but broad areas, where sites will be identified in due course."*

5.4 The CLCS therefore recognises the appeal site and surrounding land area as a sustainable and suitable location for future growth which would:

*"significantly contribute to South Ribble's infrastructure and housing requirements"* (para 5.49 Central Lancashire Core Strategy).

5.5 An extract from the Strategic Site proposals map (Appendix B) is below.



### South Ribble Local Plan

- 5.6 The principles of development in this location are carried through into the South Ribble Local Plan (SRLP) and the appeal forms part of a larger safeguarded site under policy G3, which is intended to serve future development needs beyond the plan period.
- 5.7 The fact that this land has been safeguarded to facilitate future development beyond the plan period establishes that the use and location of this land is suitable for meeting South Ribble's development needs if required. My evidence is that there is a need for housing land to come forward now to meet the housing needs in South Ribble as I set out in the following propositions.

## 6. Proposition 1

### **The appeal site should be released now to assist in meeting the housing needs of South Ribble Borough Council**

#### Reason for Refusal 1

6.1 Reason for Refusal 1 states that:

*"The application site is allocated as Safeguarded Land through Policy G3 of the South Ribble Local Plan. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the Council can demonstrate a 5 Year Housing Supply"*

6.2 There are two key issues in addressing this reason for refusal, these being:

- Can the Council demonstrate a 5 year land supply?
- If it cannot, should the appeal site be released for development?

6.3 The evidence of Mr Pycroft concludes that applying the requirement in Policy 4, the LPA can demonstrate a 2.99 year land supply. The LPA accepts that if Policy 4 applies it has a 3.8 year supply. Therefore the tilted planning balance would apply and it is common ground that Policy G3 would be out of date.

6.4 If contrary to the Appellant's evidence, the 5 year supply is calculated using LHN, the LPA would be able to demonstrate a 5 year supply, with Mr Pycroft calculating 9.97 years and the LPA 12.7 years. Even so, it is common ground that Policy G3 is out of date and the tilted planning balance is applied. Paragraph 6.18 of the LPA's Revised Statement of Case accepts this position. It states:

*"6.18 Taking account of the Planning Court's conclusions in respect of Ground 5, the Council accepts that, as a consequence of the introduction of the standard method and its use as a basis for calculating the housing land supply at the current time, Policy G3 should be regarded as out-of-date having regard to the difference in the distribution of housing arising from this across the three Central Lancashire authorities compared to that in Core Strategy Policy 4(a). As set out in Section 9 herein, the Council considers that the tilted balance in NPPF Para 11(d) is engaged."*

6.5 Therefore the tilted balance is engaged regardless of whichever scenario is used to calculate the housing supply.



6.6 Whilst it is agreed that Policy G3 is out of date, it is also agreed that Policy G3 is not disapplied and the main issue between both parties is the weight to be given to the benefits and adverse impacts.

6.7 In that context, paragraph 6.20 of the LPA's Statement of Case sets out three distinct reasons why conflict with Policy G3 should be afforded substantial weight. They are:

- 1) the current housing need in South Ribble and the housing land supply position.
- 2) consistency of Policy G3 with NPPF Paras 139(c) and 139(d); and,
- 3) the nature of the different distribution between JCS Policy 4(a) and the LHN requirement.

6.8 I disagree with the LPA's case for the following reasons.

## **1) Current housing need in South Ribble**

6.9 Under this heading I assess:

- 5 year supply;
- Meeting the Development Plan Requirement;
- The City Deal; and,
- Affordable Housing.

### **5 Year Supply**

6.10 The Framework specifically states in Footnote 7 (page 6 of the Framework) that policies which are to be considered out of date include, for applications involving the provision of housing, situations wherein a local planning authority is unable to demonstrate a 5 year housing land supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years.

6.11 It is common ground that Policy 4 of the Core Strategy, which contains the housing requirement for South Ribble, has been reviewed within the last 5 years and found not to require updating. On that basis Mr Pycroft's evidence is that national planning policy contained within footnote 37 of

the Framework and supported by paragraph 68-005 of the PPG it is clear that the five year housing land supply should be measured against Policy 4.

6.12 It is common ground that assessing the five year housing land supply against the adopted housing requirement means that the Council cannot demonstrate a deliverable five year housing land supply<sup>1</sup>. Against the adopted housing requirement plus shortfall and a 5% buffer, the Council's supply figure of 2,564 dwellings equates to 3.8 years.

6.13 Mr Pycroft has assessed the supply and concluded that:

- 120 dwellings should be removed because the Council has not provided clear evidence for the inclusion of sites with outline planning permission for major development or allocated sites without planning permission as it is required to do so under the definition of "deliverable" as set out on page 66 of the Framework.
- the Council has not provided compelling evidence for the inclusion of a windfall allowance of 600 dwellings therefore it should be reduced to 423 dwellings.
- This means that the deliverable supply at 1<sup>st</sup> April 2020 is 2,003 dwellings. Against the adopted housing requirement plus shortfall and a 5% buffer, this equates to 2.99 years.

6.14 My understanding of the LPA's case is that even if there is not a 5 year supply by applying Policy 4, then Policy G3 should still have substantial and determining weight. With respect I consider that to be unreasonable given that Policy G3 would be a constraint to development. The Inspector at Pear Tree Lane made that conclusion where he stated:

*"that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026"*

6.15 I examine that appeal and other appeal decisions now in the context of how safeguarded land is considered in the context of no 5 year land supply post the publication of the revised Framework in 2018.

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<sup>1</sup> Please refer to paragraphs 3.1 and 3.3 of the Statement of Common Ground on Housing Land Supply

Land at Ridge Meadows, Linton, West Yorkshire (Ref: APP/N4720/W/17/3186216) (CD6.5)

6.16 The development proposed was an 'outline application for 26 dwellings together with means of access. The decision is dated 14<sup>th</sup> December 2018 and the appeal was allowed. Paragraph 10 of the decision sets out the 8 main issues, which were:

*"10. Having regard to the Council's putative reasons for refusal, the main issues are the acceptability of the proposal, having regard to:*

*i. the spatial strategy for the area;*

*ii. the locational accessibility of the site, in terms of shops, services and public transport;*

*iii. pedestrian safety;*

*iv. the site's status as 'safeguarded land';*

*v. whether it would be premature;*

*vi. the adequacy of green space within the scheme;*

*vii. the Linton Neighbourhood Plan; and,*

*viii. in the absence of a five year supply of deliverable housing sites, whether any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme."*

6.17 Issues iv and viii are of particular relevance to this appeal.

6.18 Paragraphs 41 to 46 deal with Issue iv (Safeguarded Land).

6.19 Paragraphs 41 and 42 set out the policy context which confirms that the site is safeguarded land and development will be restricted to that which is necessary for the operation of the existing uses together with such temporary uses as would not prejudice the possibility of long term development. This is the same context as Policy G3 in the South Ribble Local Plan.

6.20 Paragraph 43 then assesses the different interpretations of Inspectors and the Secretary of State where in two appeals the safeguarded land policy was considered out of date with one appeal stating that it was not. However paragraph 44 of the decision sets aside the inconsistent approach as they were all determined under the 2012 Framework. The Inspector in that case was considering the safeguarded land policy under the 2018 Framework and the safeguarded land policy in Leeds was out of date and the site should be released to assist in meeting the shortfall

in the 5 year supply. It should also be noted that paragraph 67 of the appeal decision records that:

*“The Council accepts, following the updated Framework, that this ‘tilted balance’ is not disengaged by safeguarding policies”.*

6.21 Therefore the agreed approach of the LPA, the Appellant and ultimately the Inspector in the Linton case was the safeguarded policy was out of date and the tilted planning balance was engaged.

6.22 Paragraph 72 then sets out the overall planning balance. It states:

*“Even if, on the own Council's case, a conflict with Policies SP1, T2 and H2 of the Core Strategy and Policy N34 of the UDPR arises, the Council cannot demonstrate a five year supply of housing. Accordingly, the Framework advises that these policies must be considered out of date. Although this does not mean they should be ignored, the lack of housing supply diminishes the weight that can be attached to any conflict with them. The ongoing housing shortfall attracts substantial weight in favour of granting permission for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that the appeal should succeed, subject to conditions. I deal with these conditions below.”*

6.23 It is clear that even when there may be conflict with a range of policies in the development plan, the lack of a 5 year supply results in them being out of date as they are the most important for determining the application. The Inspector states that these policies should not be ignored, but the planning balance was clearly in favour of releasing the site for development.

Land to the rear of 237-259 London Road, West Malling, Kent (APP/H2265/W/18/3202040)  
**(CD6.6)**

6.24 This appeal was for an extra care development of 79 units (comprising of apartments and cottages) all within Use Class C2; associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures. The appeal was allowed on 19<sup>th</sup> December 2018.

- 6.25 Paragraph 8 of the decision sets out the main issue which was "whether the harm to the Green Belt by reason of inappropriateness and any other harm, including harm to openness and encroachment into the countryside, would be clearly outweighed by any other considerations".
- 6.26 Therefore this appeal site was located within the Green Belt. Paragraphs 62 to 68 of the decision set out the planning balance of the Inspector. For ease of reference he states:

62. For the above reasons I conclude that the development would be in conflict with CS Policy CP14 in respect of development in the countryside outside the settlement boundary for West Malling. However that conflict is outweighed by the failure of the Council to demonstrate that it has at least a 5 year supply of housing land. The lack of affordable housing provision, if it does conflict with CS Policy CP17, is outweighed by the provision in the more up-to-date Framework at paragraph 64 that specialist housing for the elderly should not be subject to such requirements.

63. For the purposes of CS Policy CP3 and the national policy to which it defers, the development would be inappropriate in the Green Belt, harmful to its openness and would cause encroachment onto the countryside, contrary to a main purpose of the Green Belt. **Substantial weight** is accorded to the overall harm to the Green Belt albeit that the harm to openness and encroachment is mitigated by the site's visual containment and limited public visibility. Nevertheless there are a number of other considerations to weigh against that harm.

64. I accord **significant weight** to the contribution that the development would make to general housing supply given the lack of a 5 year housing supply in the Borough, including through the likely consequential release on to the market of family housing as older residents move to the proposed development.

65. I accord **substantial weight** to the contribution that the development would make towards the need for specialist extra care housing for sale to older people which was not accurately estimated in the SHMA and for which the current and emerging development plan does not make adequate provision.

66. I accord **significant weight** to the health and well-being benefits for the future occupiers of the development.

67. I accord **limited weight** to the emerging local plan and to its evidence base whereby the Council has concluded that exceptional circumstances justify the proposed release of the appeal site from the Green Belt for residential development in order to promote local growth in West Malling in a sustainable location and to improve overall housing supply and affordability.

68. My overall conclusion is that these other considerations cumulatively clearly outweigh the harm to the Green Belt and as such qualify as very special circumstances. As the demonstration of very special circumstances accords with national policy the proposed development does accord with CS Policy

*CP3 and the other identified conflicts with the development plan are outweighed by other material considerations. The appeal should therefore be allowed.*

- 6.27 Unlike the Linton case referred to earlier, there are not the direct parallels to the Appellant's case as in this appeal the use was for C2 dwellings and the site was in the Green Belt. Green Belt is one of the designations in Footnote 6 of the Framework which can still provide a clear reason for refusing the development proposal if the Framework policies would be breached. However in that case the benefits of the development, which was the provision of C2 housing in the context of a shortfall in the 5 year land supply, outweighed the loss of Green Belt and the appeal was allowed.
- 6.28 As set out in our Planning, Design and Access Statement, which is confirmed in the Linton appeal, safeguarded land is not a Footnote 6 policy so is a less restrictive policy than Green Belt for the purposes of the Framework. Therefore if housing need can outweigh the loss of Green Belt, in the case of safeguarded land and the application of the tilted planning balance then the boost to housing land supply for South Ribble from the appeal proposal would certainly not be outweighed by any adverse impact from the release of safeguarded land.

Land south of Selby Road, Garforth (APP/N4720/W/18/3198312) (CD6.7)

- 6.29 This appeal was for up to 290 dwellings and the demolition of an existing dwelling. The appeal was dismissed on 11th February 2019. It was dismissed due to an unacceptable highway safety issue and the substantial adverse weight significantly and demonstrably outweighs the benefits of the proposal.
- 6.30 Paragraphs 11 to 24 deal with the issue of safeguarded land. It was common ground that the supply was 4.3 years and *policy N34 of the plan should be considered to be out of date. Paragraph 17 states:*

*"The PAS land was safeguarded to meet future development needs. In my view, the current situation at a time beyond the relevant plan period, where housing needs are not being met, and where there is no alternative plan in place to accommodate needs, is the time to make use of such land. After all, the PAS land has been identified as suitable for development in principle and specifically removed from the Green Belt accordingly. To restrict much needed development due to a conflict with Policy N34 would serve no useful or logical purpose, it would simply frustrate development. For this reason, I attach very limited weight to the conflict with Policy N34 in this case.*

6.31 When assessing weight, the Inspector states:

*“22. The CS approach to housing delivery is incomplete until such time as the SAP is adopted and sites are identified to accommodate the necessary levels of housing. Given that the development plan has proved ineffective over a number of years in delivering the needed quantum of housing, the weight to be attached to any conflict that was identified should be reduced.*

6.32 The Inspector concluded:

*“24. Overall, I have found a conflict with Policy N34 but attribute this only limited weight. I have found no conflict with the spatial policies of the CS, including Policy SP1. The NP is broadly in favour of new residential development subject to certain detailed design criteria and considerations that would be a matter for any subsequent reserved matters applications. No specific conflict with any of the NP policies has been identified.”*

6.33 As noted earlier the appeal was dismissed on highway grounds, but the Inspector's position on safeguarded land was clear and equally applies to this case.

Land east of Scholes, Leeds (APP/N4720/W/18/3200471) (CD6.8)

6.34 This appeal was for circa 300 dwellings, GP practice and pharmacy, A1 convenience store, greenspace and associated infrastructure. The appeal was allowed on 11<sup>th</sup> February 2019. This was issued on the same day as Selby Road, Garforth by the same Inspector as they were conjoined appeals. Therefore his conclusions are the same as I have set out above. The only main difference was that there was no highway objection. On the issue of safeguarded land he states as part of the planning balance:

*“55. I have found that the development is in accordance with the spatial policies of the CS and I attach only limited weight to the harm that would arise from conflict with Policy N34 of the UDPR, which is out of date. I have found only very limited harm in other respects.”*

Land off Main Street, Carlton, Wakefield (APP/N4720/W/18/3203770) (CD6.9)

6.35 This appeal was for the development of circa 129 dwellings. The appeal was allowed on 13<sup>th</sup> March 2019.

6.36 As with the appeals above, this was also in Leeds. The Main Issue in this case was:

*“4. Whether or not, having regard to local and national planning policy for the delivery of housing, the appeal site is an appropriate location for the proposed development.”*

- 6.37 Paragraphs 24 to 36 deal with the issue of safeguarded land. The Inspector concluded that the supply would be 4.3 year and *“Both main parties agree that policy N34 of the UDPR is a most important policy in relation to the application and that consequently it should be considered to be out of date, and I have no evidence before me that would lead me to a different conclusion”*.
- 6.38 The Inspector then asks *“The question then arises as to the amount of weight that can be attributed to an out of date policy”* and concluded that the conflict with the safeguarded land policy (N43) and the Framework should be given considerable weight. In that case it should be noted that the emerging Local Plan (SAP) was well advanced and subject to Main Modifications. However the Inspector considered that when assessed against paragraph 49 of the Framework, the appeal would not *“be so significant as to be harmful to the spatial strategy or indeed undermine the plan making process”*. The appeal was allowed.

Land at Pear Tree Lane, Euxton, Chorley (APP/D2320/W/20/3247136) (CD 6.2)

- 6.39 In June 2019, Chorley Council refused planning permission for the erection of up to 180 dwellings with associated works at Pear Tree Lane, Euxton (LPA ref: 19/00654/OUTMAJ). The site is identified as Safeguarded Land through the adopted development plan.
- 6.40 The applicant subsequently lodged an appeal with the Planning Inspectorate and a Public Inquiry took place in June 2020. The Inspectorate issued the appeal decision letter in August 2020 and the key findings are summarised below:
- The Appellant considered that the standard method local housing need should be used as the basis for assessing whether a 5-year supply exists as per paragraph 73 and footnote 37 of the Framework.
  - The Council considered that the Memorandum of Understanding between the three Central Lancashire authorities (April 2020) should be used as the basis for assessing whether a 5-year supply exists. The Council considered this was justified on the basis of paragraph 2-03 of the PPG and a redistribution of the requirement across the Central Lancashire authorities.
  - The Inspector noted that it was not for an Inspector on a Section 78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure. The redistribution of housing across the Central Lancashire area is something that should be resolved through a local plan process.
  - Full weight should be attached to the standard method local housing need figure for Chorley and this should be used as the basis for assessing whether a 5-year supply exists. A 5-year housing land supply could not be demonstrated on this basis.



- Policy 4 of the Joint Core Strategy should be considered out-of-date. This policy is derived from the former North West RSS, which relied upon out-of-date 2003-based household projections. Paragraph 45 of the Inspector's appeal decision:

*"The second step is to examine each of these policies to see whether or not they are out-of-date. The courts have established that a policy may become 'out-of-date' where it is overtaken by a change in national policy<sup>32</sup>. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date."*

- Policy BNE3 (Safeguarded Land) should be considered out-of-date. It serves to prevent the Council from being able to provide an adequate housing land supply within the current plan period and is based on an out-of-date housing requirement. Paragraph 48 of the Inspector's appeal decision:

*"Turning to Policy BNE3 of the CLP, in designating the land to the east of Euxton as Safeguarded Land it effectively defines the settlement boundary on this side of Euxton to the rear of the dwellings in School Lane and The Cherries. It constrains the development of the appeal site within the current plan period, in order to offer long term protection to the Green Belt. Whilst this approach is consistent with national policy in paragraph 139 of the Framework, the boundaries of the Safeguarded Land and thereby the adjoining settlement boundaries, as identified on the CLP Policies Map, are predicated on a housing requirement in the CLCS which is out-of-date. The Green Belt boundaries in Chorley and the associated Areas of Safeguarded Land were defined in the 1997 Chorley Borough Local Plan. They were carried forward into the 2003 Local Plan Review and then into the current CLP, but on the basis of a housing requirement in Policy 4 of the CLCS, which is now out-of-date."*

*"Case law has confirmed that settlement boundaries may be out-of-date to the extent that they derive from out-of-date housing requirements, constraining the ability to meet housing need. That is evidently the case here. My conclusions on the 5YHLS above indicate that the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026."*

*"This is further supported by the fact that the emerging CLLP<sup>35</sup> identifies all but one of the Areas of Safeguarded Land in Policy BNE3, including the appeal site, as site proposals to meet the borough's housing needs for the period 2021-2036. Whilst the emerging CLLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, it clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the CLP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN. Although the previous appeal decision on this site<sup>36</sup> did*

*not consider Policy BNE3 to be out-of-date, that relied on the housing requirement in the CLCS, which at the time of the decision in 2017 was not out-of-date. However, for the above reasons, Policy BNE3 is out-of-date in the circumstances of this appeal."*

6.41 Therefore the factors considered by the Inspector in the Planning Balance were:

- The delivery of 30% affordable housing is a significant social benefit.
- The delivery of open market housing carries significant weight in addressing housing needs.
- The economic benefits associated with the creation of jobs and a boost to the economy attracts modest weight in the planning balance.
- There would be localised landscape harm that attracts moderate weight in the planning balance.
- There would be less than substantial harm to the heritage significance of the listed Houghton House Farmhouse.

6.42 There were no adverse impacts that could demonstrably and significantly outweigh the benefits for the purposes of the tilted balance at paragraph 11 (d) of the Framework. Planning permission was granted.

6.43 In terms of the traditional, or 'flat' planning balance (i.e. if the tilted balance were not engaged), the Inspector was clear that the grant of planning permission would still be justified:

*"Even if I were to conclude that the 'tilted balance' was not engaged in this case, applying the 'flat balance' under section 38(6), I find that the significant benefits of the proposal in addressing housing needs in Chorley would outweigh the harm due to the conflict with Policy BNE3 and its effects on the landscape, visual amenity and the significance of the heritage asset. As such the material considerations would still warrant a decision other than in accordance with the development plan. Accordingly, the appeal should be allowed."*

6.44 This decision is significant in that Chorley is a Central Lancashire authority and the Inspector was clear that Policy BNE3 was out of date with no 5 year supply but importantly he states that proposal, by addressing housing needs would outweigh the harm due to conflict with Policy BNE3. If the tilted planning balance was not engaged that would have meant the LPA demonstrating a 5 year supply and the policies most important for determining the application were not out of date.

6.45 In this appeal, South Ribble agree that the tilted planning balance is engaged, yet put forward a case that Policy G3 should be afforded substantial weight and this site does not need to be brought forward to meet development needs at the current time and in advance of a new Local Plan. This is contrary to the Inspector's conclusion in Chorley. I note that whilst the Inspector applied the standard method in this decision and concluded that CLCS policy 4 was out of date but it was not drawn to his attention that there had been a review of the policy in 2017 and therefore his findings on this issues are of no assistance at this appeal.

#### Heath Park, Windlesham

6.46 In the Planning Statement (**CD3.4**) for the appeal application I did refer to an appeal decision at Heathpark Wood, Windlesham where permission was allowed on safeguarded land under the 2012 Framework. The context for that appeal was:

- the site was safeguarded land and conflicted with Policy H8;
- the site lay outside the settlement boundary; and,
- the council could only achieve a 3.4 years' worth of housing land against the five-year requirement. The shortfall in supply was between 775 and 845 dwellings.

6.47 That appeal was allowed even on an unweighted planning balance where the Inspector gave moderate weight against the development's conflict with Policy H8 and paragraph 85 of the (previous) Framework.

6.48 The approach taken forward in paragraph 139 by the Inspector was to "*weigh the benefits of doing what the safeguarded land policies seek to prevent – releasing the appeal site for development now, rather than after there has been a Local Plan review which proposes the development – against the harm that it would cause*". This was then expressed further in paragraphs 145 and 146 which state:

*"145. Releasing the appeal site for development now, contrary to saved policy H8, would conflict with the emphasis of NPPF paragraph 17 on a plan-led planning system. But the NPPF also requires plans to meet objectively-assessed housing needs so far as is consistent with its policies. Currently the Core Strategy is failing in that task, given the shortfall in the five-year housing land supply, and a new local plan is not due to be adopted for over two years.*

*146. While maintaining the central role of the local plan in the planning system is an important consideration, it is also necessary to consider whether, in this instance, the safeguarded land policies are consistent with the planning*

*system's equally important role of providing much-needed development. With no evidence to show where more appropriately-located sites are available for development, there is little justification for holding back development of the appeal site that could meet pressing current needs, merely in the hope that more appropriately-located sites might come forward in future."*

6.49 Paragraphs 163 and 164 set out the overall conclusions. They state:

*"163. The proposed development would conflict with the Core Strategy's spatial strategy as expressed in policy CP1 and CP3, and with the provisions of saved policy H8 regarding safeguarded land and of policy CP3 regarding CBGB. There would also be conflict with some of the provisions of policy CP2. The proposal therefore conflicts with the development plan as a whole.*

*164. However, I have found that, when assessed both against the specific policies of the NPPF which restrict development and against its policies taken as a whole, the benefits of the proposed development would heavily outweigh its adverse impacts. In reaching that judgment I have also found that the harm caused by all the effects of the proposal which conflict with the development plan is heavily outweighed by the proposal's benefits. These are material considerations which justify granting planning permission notwithstanding the conflict with the development plan. There are no other material considerations indicating that permission should be withheld."*

6.50 The appeal was allowed.

#### Conclusion on Post 2018 Framework appeals

6.51 The above appeals demonstrate a consistent approach in that the lack of a 5 year supply renders a safeguarded land policy out of date. Notwithstanding different views on the level of adverse weight to the conflict with policy, they did not outweigh the benefits. It is also noted that none of the decisions gave substantial weight to the safeguarded land policies which is the LPA's case for this appeal.

6.52 If the LPA can demonstrate a 5 year supply, then there are other material consideration which weigh in favour of the release of the site. The LPA's narrow view of a 13.3 year land supply meaning that housing needs are being met is in my judgment not correct. Mr Pycroft assesses each of these other issues which I summarise below.

#### **Decisions in South Ribble**

6.53 Having assessed recent decisions across the country, I now assess two previous decisions in South Ribble. For the reasons I set out neither assist in the interpretation of policy now but are

nevertheless important to assess, particularly as the LPA refers to one in their Statement of Case, albeit under Reason for Refusal 2. They are:

- Land at Cawsey, Penwortham dated 16 November 2012 (Appeal 2178019); and
- Coote Lane, Farington dated 6<sup>th</sup> March 2014 (Appeal 2202973).

6.54 Both appeals concerned safeguarded land and the Cawsey appeal (**CD6.10**) was allowed and the Coote Lane appeal (**CD6.4**) was dismissed. A determining factor in both was the housing land supply at the time. In the Cawsey decision the supply was below 5 years which engaged the presumption in favour of sustainable development. The Inspector stated that there was no functional need advanced by the Council to keep the site undeveloped. A similar context applies on the basis of the Appellant's case now.

6.55 The Coote Lane appeal was dismissed but that was within the context of the Council having a housing land supply of 6 years and the development was not necessary. At that time the site was allocated by Policy D8 of the 2000 Local Plan and in emerging policy G3 which was given significant weight. Reference was made to the Cawsey decision by the Inspector who stated that *"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"*. Therefore in the conclusion the Inspector states that:

*"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." (paragraph 37)*

6.56 The Coote Lane appeal is a material consideration but in the context of the Appellant's case on housing need and the LPA agreeing that the tilted planning balance is engaged this appeal decision does not set a precedent for this appeal.

6.57 Whilst the above appeal decisions were taken in the context of the previous Framework where the tilted planning balance was disengaged, the revised Framework means that part ii of paragraph 11(d) applies which is the tilted planning balance. The difference in Cawsey being allowed and Coote Lane being dismissed was that 5 year land supply could not be demonstrated when the Cawsey appeal was determined and was able to be demonstrated at Coote Lane.

## Meeting the Development Plan Requirement

6.58 Mr Pycroft states:

*"I note that the Council's own trajectory in its position statement confirms that the adopted housing requirement will not be met in the plan period to 2026. The Council has only identified an additional supply of 3,274 dwellings from 2020 to 2026<sup>2</sup>. In addition to the 5,981 housing completions from 2003 to 2020, this means a total supply of 9,255 dwellings, **336 dwellings** less than the housing requirement of 9,951 dwellings over the plan period (i.e. 417 X 23 years = 9,951) even on the Council's figures in the position statement. Indeed, the 336 shortfall figure increases to **453 dwellings** now that the Council reduces the capacity on one site by 7 dwellings and accepts the following sites should be removed from the deliverable supply:*

- *Brindle Road (land adjacent Cottage Gardens), Bamber Bridge East (11 dwellings);*
- *Pickering's Farm (90 dwellings); and*
- *Lostock Hall Primary School, Avondale Drive (10 dwellings)."*

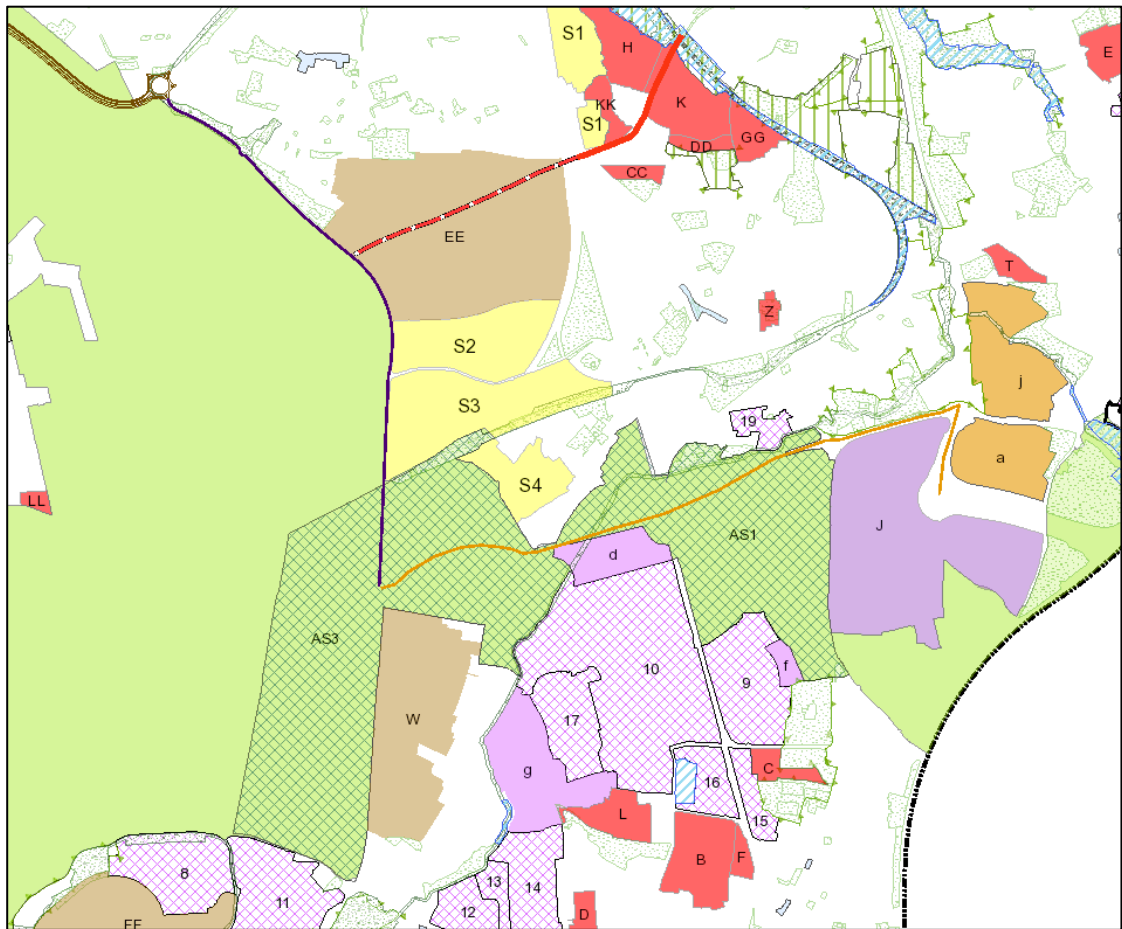
6.59 Therefore the LPA will not meet its development plan requirement by some 453 dwellings if they deliver all of their commitments. He then lists the allocations which did not have planning permission at 1<sup>st</sup> April 2020 (five years after the South Ribble Local Plan) was adopted. The closest sites to the appeal site are:

- CC – East of Leyland Road / Land off Claytongate Drive / Land at Moor Hey School, Bellfield (capacity = 63 dwellings);
- DD – Gas Holders Site (aka land off Wateringpool Lane) (capacity = 22 dwellings);
- EE – Pickering's Farm (capacity = 1,100 dwellings);
- H – Vernon Carus Site / Penwortham Mills (capacity = 300 dwellings);
- W (part) – North of Bannister Ln and rear of 398 - 414 Croston Road, Farington Moss (capacity = 70 dwellings);
- Z – Lostock Hall Primary School (capacity = 20 dwellings).

6.60 These can be seen on the extract of the policies map below.

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<sup>2</sup> Please see the table and trajectory on page 18 of the HLP.



6.61 A key site that is not delivering is Site EE which is Pickerings Farm (The Lanes) which I have referred to above. Mr Pycroff's assessment sets out the detail as to why the site has not delivered. However it is clear that the 1,100 homes expected from this site in the development plan are not imminent. In conjunction with the development plan requirement as a whole not being delivered then the appeal site, adjacent to Site EE and S2 is the most logical location to meet those needs in this location now in a location that has been safeguarded for development.

6.62 With the plan period ending in 2026 this is a compelling reason why the site should be released.

### **Preston, South Ribble and Lancashire City Deal**

6.63 In September 2013, it was announced that Preston, South Ribble and Lancashire agreed a City Deal with Government that will see local leaders given the powers and levers to deliver growth and jobs in their communities. Its purpose was to allow Preston and Lancashire to take forward 4



new road schemes, enabling over 17,420 new homes to be built, freeing up land for new development, and creating more than 20,000 jobs.

6.64 The City Deal (**CD1.17**) states:

*“Over a ten-year period the deal will generate: More than 20,000 net new private sector jobs, including 5,000 in the Lancashire Enterprise Zone; Nearly £1 billion growth in Gross Value Added (GVA); 17,420 new homes; and £2.3 billion in leveraged commercial investment.”*

6.65 Between 2014 and 2020, it was agreed that 7,726 dwellings would have been delivered within the City Deal area. However, less than 6,368 dwellings were delivered. Therefore, completions are already 1,358 dwellings behind the number of homes the authorities had agreed to deliver. It cannot be said that the lack of delivery is due to developers not delivering as from my experience the LPA has sought to delay and frustrate allocated sites from getting planning permission which has resulted in planning refusals and appeals.

6.66 Preston's deliverable housing land supply over the period 1<sup>st</sup> October 2020 to 30<sup>th</sup> September 2025 is only 3,581 dwellings and South Ribble's deliverable housing land supply over the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2025 is only 2,665 dwellings. This means that only 6,245 dwellings have been identified and combined with the completions above would mean 12,613 dwellings would be delivered by 2025 i.e. a year after the term of the City Deal. **The shortfall against the City Deal is therefore at least 4,787 dwellings.** The commitment to deliver 17,400 homes by 1<sup>st</sup> April 2024 is clearly not going to be met unless additional housing sites come forward and are delivered. However as Mr Pycroft summarises:

*“13.5. However, Preston's deliverable housing land supply over the period 1<sup>st</sup> October 2020 to 30<sup>th</sup> September 2025 is only 3,581 dwellings and South Ribble's deliverable housing land supply over the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2025 is only 2,665 dwellings. This means that only 6,245 dwellings have been identified and combined with the completions above would mean 12,613 dwellings would be delivered by 2025 i.e. a year after the term of the City Deal. The shortfall against the City Deal is therefore at least 4,787 dwellings. The commitment to deliver 17,400 homes by 1<sup>st</sup> April 2024 is clearly not going to be met unless additional housing sites come forward and are delivered.”*

6.67 However the funding for the infrastructure, for example, has been provided and the road improvements are being delivered, particularly in close proximity to the appeal site and therefore the commitment to deliver the homes should also be occurring concurrently. As the LPAs will not



meet their City Deal target this site should come forward now and is a key reason why I consider significant weight should be given to the delivery of housing on this site.

## **Affordable Housing**

6.68 CLCS Policy 7 and the Central Lancashire Affordable Housing SPD requires that new housing developments would deliver 30% on-site affordable housing.

6.69 The proposed development would deliver 35 affordable units which accords with CS7. The provision of affordable housing is a significant material consideration which weighs in favour of the proposed development given the substantial affordable housing needs across South Ribble. Paragraph 9.4 of the LPA's Statement of Case concludes that:

*"The provision of affordable housing is considered to be a significant benefit."*

6.70 The evidence of Mr Pycroft sets out the affordable housing need. He states:

*"The 2017 SHMA identifies a net need of 235 affordable homes in South Ribble per annum over the period 2014 to 2034. This is notably greater than the total local housing need using the standard method of 191 dwellings."*

*The Central Lancashire Housing Study (March 2020) includes an updated assessment of affordable housing need which responds to the widened definition of affordable housing set out in the 2019 Framework. It concludes that the need for rented affordable housing in South Ribble alone is 208 homes per annum over the period 2018 to 2036. This again is higher than the total local housing need using the standard method. However, the Housing Study also concludes that there is not a substantive need for affordable home ownership homes. It states:*

*"Given the clear and acute need for affordable rented housing, the Councils should look to seek as much rented affordable products as possible".*

6.71 The consultation response from the Affordable Housing Officer dated October 2020 (**Appendix SH9**) for the resubmitted application states:

*"The SHMA (2017) evidences that greatest need is for social/affordable rented housing at 88% of the boroughs affordable housing need. Updated evidence from the CLHS (2020) shows that there is a clear and acute need for Social Rented homes and specifically, this tenure should make up at least 70% of the rented tenure mix."*

6.72 This response on there being a “clear and acute need” is in my view due to the poor delivery to date as set out in Table 13.2 of Mr Pycroft’s evidence which shows that affordable housing completions have been significantly below the net need identified in the SHMA and more recent Central Housing Study.

6.73 With regard to the supply going forward, Mr Pycroft states in paragraph 14.6 of his evidence:

*“The HLP explains that at 1<sup>st</sup> April 2020 there were only 16 sites which had planning permission and would deliver affordable dwellings on site. I have reviewed the supply and found that only 13 sites would deliver affordable housing in the five year supply as I set out at appendix **BP11**. The Council’s deliverable supply over the five year period is 2,546 dwellings. Of these, only 264 (10%) are affordable as I set out in appendix **BP11**. Therefore, the affordable housing need identified in the SHMA and the Central Lancashire Housing Study will not be met by the existing housing land supply.”*

6.74 When compared with delivery to date and the number of affordable homes in the supply there is a clear and compelling affordable housing need. These are people in need of an affordable home now. When considered against the Framework which seeks to “support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations” I can only conclude that the benefit of affordable housing is significant and this market scheme can assist in delivering additional affordable homes now.

6.75 I consider that the LPA, whilst applying significant weight for affordable housing has not taken this factor into account when factoring the weight to be given to Policy G3 in the planning balance. There is an acute affordable housing need and safeguarded land should now be a source to assist in meeting that need.

## **2) Consistency of Policy G3 the NPPF Paras 139(c) and 139(d)**

6.76 Policy G3 states that;

*“Within the borough, land remains safeguarded and not designated for any specific purpose within the Plan period at the following locations:*

*S1 South of Factory Lane and east of the West Coast Main Line*

*S2 Southern area of the Major Development Site at Pickering’s Farm,  
Penwortham*

**S3 South of Coote Lane, Chain House Lane, Farington**

S4 Land off Church Lane, Farington

S5 Land off Emnie Lane, Leyland

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." **(my emphasis)**

6.77 The extract of the policies map below shows the site (within S3) within context of sites S2, S4 and EE.



6.78 The wording of policy G3 states that the sites listed as safeguarded land are not "designated for any specific purpose within the Plan period" and that "planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land." However it also states that "Existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed".

- 6.79 Therefore policy G3 places a time constraint on the development of the site. The supporting text to the policy states that safeguarded land will remain in its existing use for the foreseeable future and beyond the life of the plan. However the policy itself refers to “*Existing uses will for the most part remain undisturbed*” which shows that it is not an explicit requirement for the land to remain as it is and there is flexibility in the policy.
- 6.80 It is important to note that it is agreed in the SoCG that Policy G3 is out of date whether Policy 4 or LHN is applied. However the LPA states that the “*consistency of Policy G3 the NPPF Paras 139(c) and 139(d)*” is a reason for substantial weight to be given to Policy G3.
- 6.81 For ease of reference, paragraphs 139(c) and (d) state:

*“c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*

*d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;”*

- 6.82 Whilst I accept that in principle Policy G3 is consistent with the Framework this simply confirms that the weight to be given to it should not be reduced because of inconsistency with the Framework. In my view it is not reasonable to use consistency with the Framework to not reduce weight or even give increased weight to an out of date policy as the LPA propose.
- 6.83 Therefore it remains necessary to consider the application of the policy in the circumstance of the case. The reported decisions above demonstrate that when this is done there are circumstances where safeguarded land can be released and the circumstances in this appeal are one of them. In each case safeguarded land was assessed against the latest Framework and the appeal was allowed. This shows that consistency of safeguarded land policies with the Framework is a consideration that cannot be given any material weight.

### **3) Implications of Applying LHN**

- 6.84 The third reason why the LPA gives substantial weight to conflict with Policy G3 is “*the nature of the different distribution between JCS Policy 4(a) and the LHN requirement*”. This is not expressed in any further detail, therefore I set out my evidence on this issue.

6.85 My understanding of this point is that there is not a need to release safeguarded land in South Ribble as the revised distribution if applied would mean that there is a 13 year supply. I consider that South Ribble should not be considering the matter in isolation and that the consequences should be across the three LPAs in Central Lancashire.

6.86 Indeed, the Foreword to the CLCS states:

*“The Core Strategy is a clear statement of the positive benefits of joint working in Chorley, South Ribble and Preston. **It is a single strategy for Central Lancashire, and the Councils are committed to applying the policies consistently.** Joint working makes sense because the three Districts have much in common, including their transport networks, and shared housing, employment and retail markets.” (my emphasis)*

6.87 The standard method provides a figure for each local authority. The application of the standard method results in a radically different distribution of housing across the housing market area when compared to that contained within Core Strategy Policy 4 as set out in Figure 1 below.

**Figure 1: Distribution of Development between CS Policy 4 and LHN**

	Policy 4	% of Total	LHN	% of total
Preston	507	37.8	250	24.8
Chorley	417	31.1	569	56.3
South Ribble	417	31.1	191	18.9
Total	1,341		1,010	

6.88 Policy 1 sets out the settlement strategy which is based on Policy 4. Table 1 of the Core Strategy sets out the distribution in greater detail which is based on the hierarchy in Policy 1.

**Table 1: Predicted Proportions of Housing Development by Location**

Location	Total %	Total net Dwellings* in Plan Period	2010-16#	2016-21	2021-26
<b>Preston/South Ribble Urban Area</b>	<b>48</b>				
• Cottam		1300	500	400	400
• Central Preston		600	200	200	200
• North West Preston		2500	600	900	1000
• South of Penwortham and North of Farington		1200	100	500	600
• Elsewhere		5000	2100	1500	1400
<b>Buckshaw Village Strategic Site</b>	<b>10</b>	<b>2300</b>	<b>1500</b>	<b>500</b>	<b>300</b>
<b>Key Service Centres</b>	<b>25</b>	<b>5500</b>	<b>2150</b>	<b>1700</b>	<b>1650</b>
<b>Urban Local Service Centres</b>	<b>9</b>	<b>2100</b>	<b>500</b>	<b>800</b>	<b>800</b>
<b>Rural Local Service Centres and elsewhere</b>	<b>8</b>	<b>1700</b>	<b>750</b>	<b>400</b>	<b>550</b>
<b>Total</b>	<b>100</b>	<b>22200</b>	<b>8400</b>	<b>6900</b>	<b>6900</b>

\* Rounded to the nearest 50      # Includes completions in 2010/11

6.89 As can be seen a minimum of 48% of the total requirement is to be located at the Preston/South Ribble urban area. This does not include the other areas in Preston and South Ribble which would inevitably increase the percentage in these two LPA areas, such as:

- the Key Service Centres of Leyland/Farington in South Ribble and Longridge in Preston<sup>3</sup>;
- Urban Local Service Centres -
- Rural Local Service Centres
- Smaller villages, substantially built up frontages and Major Developed Sites

6.90 From Figure 1 above, the total for Preston and South Ribble is 43.7% of the LHN, with the majority 56.3% being located at Chorley. That then puts significant pressure on safeguarded land in Chorley as evidenced by the Pear Tree Lane appeal decision. Indeed, paragraph 3.10 of the draft Issues and Options paper states:

*“3.10. Over half (50.2%) of Central Lancashire is designated as Green Belt, with Chorley having the highest proportion of land covered by the designation. The*

<sup>3</sup> where land within Central Lancashire may be required to support the development of this Key Service Centre in Ribble Valley – Policy 1 Part B(iii)

*designation restricts the type of development which can take place and generally requires special circumstances to be demonstrated where development is proposed."*

6.91 Paragraph 8.22 states:

*"8.22 Chorley Council are not proposing to allocate any land which is safeguarded for future development in the new Local Plan. Safeguarded land is a policy which enables land to be allocated to meet longer term need and should only be released for development as part of a Local Plan review."*

6.92 It is clear from these initial views in the emerging local plan that Chorley do not propose to allocate safeguarded land or release Green Belt land, yet it is the authority with the highest proportion of Green Belt.

6.93 Whilst the distribution of development will be considered through the local plan review, my view is that applying LHN through the local plan review is likely to mean Chorley exporting housing to Preston and/or South Ribble and for example a greater amount of safeguarded land in South Ribble being required. This is supported by paragraph 6.7 of MoU2 (**CD1.9**) which states:

*"6.7 The Study demonstrates that applying the standard method figure to each individual authority, as calculated, would be significantly at odds with the distribution of people, jobs and services. However, further than that, applying the standard method figure to each individual authority, as calculated, would serve to undermine the key principles underpinning the Preston, South Ribble and Lancashire City Deal (the City Deal). The City Deal, agreed in 2013, is a growth deal with Government, securing investment in infrastructure to support housing and economic growth."*

6.94 My view is that this is a plan making decision but the LPA cannot pick and choose which parts of the development plan it wants to apply (for example applying Policy G3 with substantial weight) yet stepping away from its obligation in Policy 4. By doing so it has wider consequences across Central Lancashire which must be understood. For example applying LHN to Chorley would mean they cannot demonstrate a 5 year land supply and as a result their safeguarded land policy would be out of date, as seen at Pear Tree Lane, whereas South Ribble would have a 5 year land supply and Policy G3 is considered by the LPA to have substantial weight and should not be released. Having such an inconsistent approach is contrary to the Foreword to the CLCS which states that it is a "single strategy for Central Lancashire". My view is supported by the view of the Inspector at Keyfold Farm, Preston (**Appendix SH8**). Paragraph 58 of that decision states:

*“58. I am conscious that Policy 1 of the Core Strategy plans for a development pattern that, for the whole of Central Lancashire, concentrates development according to a settlement hierarchy within which the Preston /South Ribble Urban Area occupies the top tier (a) and smaller settlements including Broughton are included in the lowest tier(f). I place little weight on the appellants’ repeated emphasis that the lack of settlements within the intermediate tiers is a significant factor in support of their appeals. The Core Strategy, which addresses the relevant housing market area, self-evidently transcends administrative boundaries so far as the settlement hierarchy itself is concerned. In planning terms the lack of intermediate tiers within Preston is not therefore, in my view, an important or influential factor.”*

6.95 Therefore one cannot look at each LPA in Central Lancashire by itself as the strategic policies are in the CLCS which covers three LPAs. It is clear that applying LHN is significantly at odds with the distribution of people, jobs and services and therefore it is a significant material consideration to deliver homes in South Ribble. In Policy 1 of the CLCS, Lostock Hall is in the highest of the six tiers.

6.96 The only conclusion to draw is that applying LHN for South Ribble in isolation is significantly at odds with the distribution of people, jobs and services and will result in unsustainable growth in Central Lancashire. The implication of applying LHN is that the appeal site should be released.

## **Overall Conclusion**

6.97 The position of Mr Pycroft is that the Council cannot demonstrate a 5 year housing land supply and he has calculated it to be 2.99 years. On that basis the tilted planning balance in paragraph 11(d) of the Framework is engaged and it is agreed that if there is no 5 year supply Policy G3, which is a policy “*most important for determining the application*”, is out of date. The LPA also accept it is out of date if LHN is applied.

6.98 Whilst Policy G3 should not be disapplied, my evidence is that limited weight should be given to the policy as it is constraining sustainable patterns of development in Central Lancashire.

6.99 The LPA give three reasons why substantial weight should still be given to Policy G3. They are:

- 1) the current housing need in South Ribble and the housing land supply position.
- 2) the consistency of Policy G3 the NPPF Paras 139(c) and 139(d); and,
- 3) the nature of the different distribution between JCS Policy 4(a) and the LHN requirement.

6.100 On (1), my evidence is:

- The LPA cannot demonstrate a 5 year supply;



- If all commitments are built as the LPA expect, they will be 453 dwellings short of meeting their development plan requirement at 2026;
- The site is located in an area for growth in the adopted development plan where allocated sites have not delivered as expected and the appeal site, adjacent to Site EE and S2 is the most logical location to meet those needs in this location now in a location that has been safeguarded for development.
- There is a significant shortfall in the delivery of affordable housing which will continue to persist due to a lack of supply.

6.101 On (2), my evidence is:

- The post 2018 Framework appeal decisions across the country demonstrate that safeguarded land should be released if there are material considerations which outweigh the harm.

6.102 On (3), my evidence is:

- application of the standard method results in a radically different distribution of housing across the housing market area when compared to that contained within Core Strategy Policy 4; and,
- applying LHN is significantly at odds with the distribution of people, jobs and services and will result in unsustainable growth in Central Lancashire. In my view safeguarded land is inevitable to meet LHN in Central Lancashire sustainably now.

6.103 Applying the LPA's position on Policy G3 would in my view add harm by failing to meet the housing needs in the area and not following the spatial distribution in the CLCS. This is supported by paragraph 6.7 of MoU states that "applying the standard method figure to each individual authority, as calculated, would be significantly at odds with the distribution of people, jobs and services".

6.104 Therefore the conflict with policy G3 would result in limited harm; harm which is more than outweighed by both the very significant benefits being delivered and the absence of constraints. On that basis Reason for Refusal 1 cannot be sustained.

## 7. Proposition 2

### **The proposed development would not prevent the comprehensive delivery of development in the area**

7.1 Reason for Refusal 2 states that:

*"The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore the scheme would not amount to a sustainable form of development."*

7.2 Paragraphs 6.21 to 6.26 of the LPA's Statement of Case consider that *"the appeal, if allowed, would jeopardise the comprehensive development of the site, contrary to the Policy. The appeal site forms part of S3 and if developed in isolation would restrict the ability to provide a more comprehensive, well planned form of development. Policy G3 states that development which would prejudice potential longer term, comprehensive development will not be granted."*

7.3 A number of points arise.

### **Comprehensive Development**

7.4 The most fundamental point is that the only issue the LPA raises is that if the site is *"developed in isolation it would restrict the ability to provide a more comprehensive, well planned form of development particularly given the irregular shapes of land that would be left"*. I do not consider that the development of the site would prejudice the ability for a well planned form of development.

7.5 The LPA give no evidence as to why it would. For example if the development of this site prejudiced the other parcels of land then there may be merit in the concern. However for this site that cannot apply as the access arrangements have been agreed with Homes England and accepted by the highway authority.

7.6 The other harm identified is the irregular shapes of land that would be left. I do not agree that this would cause any prejudice and as noted in the Planning Statement and subsequent submissions to the Council the Appellant has worked with Homes England to overcome their initial objection. In light of the revised Illustrative Masterplan and the revised access arrangements submitted on the 26<sup>th</sup> April 2019, Homes England withdrew their objection. Notwithstanding, the Appellant has

continued to discuss the wider site and an Illustrative Layout has been prepared covering the land in the control of Homes England and the Appellant. This is **Appendix SH1**. This demonstrates that the appeal proposal would fit seamlessly into the wider parcel of land and enable a comprehensive development to be provided. Should the appeal be allowed then the Appellant would work with Homes England on the detailed design. I enclose a further letter from Homes England as **Appendix SH2** which has been submitted to PINS.

*"As set out within our original consultation responses to the outline planning application (dated 31<sup>st</sup> January and 7<sup>th</sup> June 2019) and subsequent written representation to the first Inquiry (dated 12<sup>th</sup> September 2019); in principle, Homes England is supportive of the development proposed at the site. The proposals including the access arrangements and masterplanning principles submitted during the planning application process, are consistent with the allocation and our intention to deliver the wider site.*

*Homes England has prepared a joint masterplan with Wainhomes for the wider site and, subject to a condition ensuring unfettered access to the site, we continue to work with Wainhomes to formulate a legal agreement relating to access, utilities / services and surface water. Solicitors have now been appointed to agree these matters and other non-ransom issues between both parties. Our position therefore remains unchanged."*

- 7.7 The remainder of Site S3 to the east is divorced from the appeal site and Homes England site by roads and the railway which are clear barriers. This will be apparent from the site visit and the plans appended to my evidence (**Appendices SH1 and SH3**) demonstrate that each parcel can be developed without impacting others and can be masterplanned separately. Even so, the provision of the footpath links and the bus stop under this proposal would integrate with the land to the east. Therefore the LPAs concern on site S3 being planned comprehensively is unfounded.
- 7.8 The LPA's Statement of Case refers to an appeal decision at Coote Lane (**CD6.4**). The Coote Lane appeal site forms part of the S3 safeguarded site in the SRLP. The location plan and layout for that appeal are **Appendix SH3**. This was a decision that the Planning Statement addressed setting out the different policy considerations and housing supply at that time. I have dealt with that decision under Proposition 1 on the principle of releasing safeguarded land. However the LPA reference paragraph 18 of the Inspector's decision, which I now address.
- 7.9 Paragraph 18 of the Coote Lane appeal decision states that it may be possible to develop the appeal site in isolation, the only issue being whether it would be required for residential development. Therefore the main point in paragraph 18 is that the LPA and the Inspector considered that it was not certain that the site would be required for housing as part of a

comprehensive development of the area. The LPA had suggested that they would not rule out other uses for example offices. I consider that this is a point that is not applicable to this appeal for the following reasons.

7.10 Paragraph 6.26 of the LPA's Statement of Case states:

*6.26 The Inspector's findings from the previous inquiry are also relevant. The Inspector concluded that harm would result from the development of the site in isolation, in advance of the remainder of adjoining and nearby land forming S3; from the failure to undertake effective community engagement as part of a masterplan-led approach; and from the prejudice to the potential longer-term comprehensive development of the land. Whilst the decision has been quashed, these matters did not form part of the challenge*

7.11 The LPA place reliance on paragraph 71 which states:

*"Development of the appeal site in isolation, in advance of the remainder of adjoining and nearby land forming S3 would result in harm in this respect. In coming to this conclusion I have had regard to the existing ribbon development along Chain House Lane, and acknowledge that over time the area will become more built up once development commences on the Pickerings Farm allocated site opposite commences. Nonetheless, the development of the appeal site alone would represent a disconnected pocket of housing in this otherwise currently undeveloped area."*

7.12 However the key issue on this point is would a masterplan if prepared for S3 change how the site would be accessed or planned for. The answer is no and even if the land to the east was developed it is not connected to the urban area as the eastern boundary is the railway. That site, like the appeal site would be accessed onto Coote Lane/Chain House Lane and/or Church Road.

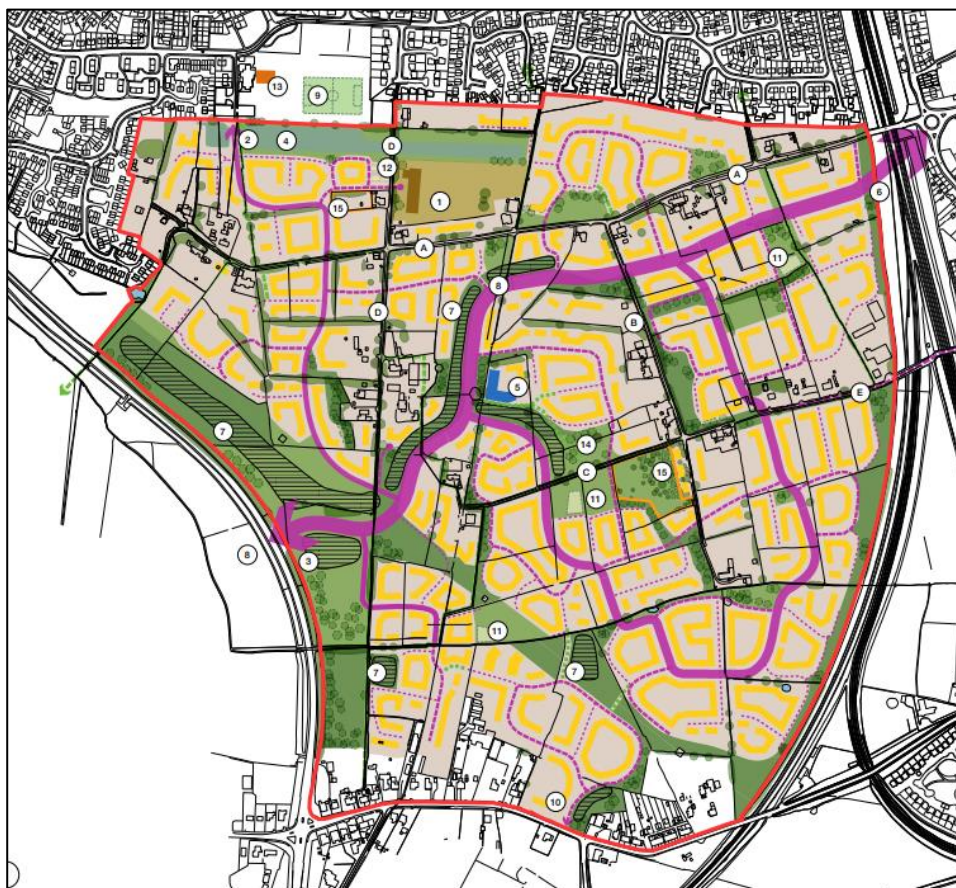
7.13 I also respectfully disagree that development of this site would represent a disconnected pocket of housing in this otherwise currently undeveloped area. The aerial photograph below shows that the wider area between Longton and Lostock Hall is typified by frontage development, ribbon development and pockets of development. The development of this site, even if the surrounding landholdings are not developed for a few years until they obtain consent would not cause any meaningful harm to the wider area. Also when travelling west along Coote lane from Lostock Hall development is apparent for the vast majority of the route.







7.14 I also attach an extract of the Masterplan for Pickerings Farm (The Lanes) which was published in September 2020 by Taylor Wimpey and Homes England.



7.15 The Masterplan (**CD9.1**) was refused by the LPA on 17<sup>th</sup> September 2020 (**CD9.2**). The minutes state:

*“that the application be refused as a result of concerns regarding highways; green infrastructure; ecology; drainage provisions; impact on air quality; lack of appropriate and necessary infrastructure; inappropriate mix of housing; and the impact on the residential amenity of the wider community”.*

7.16 Whilst we raise concerns on the lack of delivery to date which is largely based on the LPA's delays in approving the masterplan, it must be recognised that the site is allocated in the development plan. Therefore whilst we raise concerns on its ability to deliver in the next 5 years, it will deliver and the appeal site will then form part of that wider development north and south of Chain House Lane. Indeed the masterplan we have agreed with Homes England ensures that the land to the north of Chain House Lane can be accessed.

7.17 Therefore I consider that there is no harm arising from developing the appeal site and any harm if evidenced is limited and short term and should not be used a reason for delaying helping to meet the significant housing needs as I now set out.

## Employment Land Supply

7.18 The second is that the subsequent evidence prepared for the Central Lancashire authorities demonstrates that there is a good supply of employment land to 2034 and further land that may be required should be at other locations. This is seen in the Central Lancashire Employment Land Study – Key Issues Report (**Appendix SH4**) which states:

### *“South Ribble*

*South Ribble is the focus of strategic investment into Central Lancashire, the home of the Cuerden Strategic Site, the Samlesbury Enterprise Zone and City Deal investment. Combined with baseline growth, the result is a forecast gain in jobs of 20,251 over 2014-2034.*

*Most sectors will benefit from strategic investment, but particular gain will be seen in construction (4,809 extra jobs) through the development projects resulting; logistics (1,174 extra jobs in transport/storage, plus 2,667 in wholesale and retail) a beneficiary of City Deal and a development focus on Cuerden; manufacturing, with Samlesbury a focus for advanced manufacturing (1,510 extra jobs) and office-based admin and support services (4,189 extra jobs).*

*20,251 jobs can be translated into a need for 207,545 sqm of floorspace or some 53 ha of land.”*

7.19 For South Ribble, under the heading “Recommendation 6 – Meeting Needs” the report states:

- *“The focus of both demand and recent development activity is the A6/A582 Corridor of Bamber Bridge and Cuerden. Stakeholders regularly sited the lack of opportunity sites at Walton Summit, an industrial estate of regional significance*
- *Buckshaw Village is now established as a key market focus in Central Lancashire. Options to maintain the momentum generated here, in both the Chorley and South Ribble parts of the Village, would be welcome.”*

7.20 These locations are identified in the proposals maps as follows:

- Walton Summit is Policy E2 (Site 3);
- Buckshaw is Policy E2 (Site 18); and

- The A6/A582 Corridor of Bamber Bridge and Cuerden is centred around Policy B3 (Site a) and B4 (Site j) and Policy E1 (Site J).

7.21 Policy E1 of the Local Plan also allocates sites d, e, f and g which are extensions to the business parks at Leyland (Sites 9, 10, 12, 13, 14, 15, 16 and 17).

7.22 In the Coote Lane decision reference was specifically made to office use. I refer to paragraphs 9.19 to 9.23 of the Central Lancashire Employment Land Study which deals specifically with office and there is no reference to South Ribble. Paragraph 9.19 states:

*“Evidence is that Preston (the Docks, City Centre and extending south, in market terms, to Cuerden/South Rings) and Chorley are the focus of market activity and interest. Both Boroughs have strengths in finance and insurance and Preston is home to a range of large scale businesses in this sector. Both past transactions and current enquiries/market interest are focused on the smaller end of the market, suites of less than 100 sqm/1,000 sqft and particularly less than 50 sqm/500 sqft. This is the case even in Preston City Centre where reported demand is for 2-4 person suites.”*

7.23 Paragraph 9.23 states:

*“In the short term, the key new development opportunity (developed speculatively) in Central Lancashire will be the specialist Digital Health Park scheme at EP1.5: Euxton Lane, Chorley, which has development partners and funding in place, for uses including a digital office building of 5,195 sqm/55,920 sqft. In the longer term however, the most significant opportunity will be the Cuerden Strategic Site where up to 26,000 sqm/260,000 sqft of B1(a) offices of 929- 3,252 sqm/10,000- 35,000 sqft each now has consent. This will be not be delivered speculatively, but provision is judged within realistic take up rates for a 16-year timetable and provides key opportunities to attract inward investment into Central Lancashire”.*

7.24 The planning permission for the redevelopment of the former Leyland Test Track includes 6.08 hectares of employment land which is proposed to include a mix of light industrial and distribution uses, with some offices.

7.25 Therefore there is no evidence that the appeal site or indeed the wider parcel of safeguarded land (S3) is required in the short, medium or long term for employment land. Should employment or any other form of development be required this can be considered through the plan review and allowing this appeal now would cause no prejudice as I now explain.



### Prematurity

7.26 The third and final point is whether there would be any prejudice to the Council's ability to comprehensively plan for the area. Paragraphs 49 and 50 of the Framework states:

*"49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."*

7.27 With regard to paragraph 49, the appeal site is 3.6 hectares. The 5 parcels of safeguarded land listed in Policy G3 measure:

- S1 = 13.4 ha;
- S2 = 21.4 ha;
- S3 = 30.9 ha;
- S4 = 10.8 ha; and,
- S5 = 20.5 ha.

7.28 These parcels total 97 hectares. Therefore the appeal site is 3.7% of the safeguarded land in the plan and this cannot be considered to be so substantial, or its cumulative effect would be so significant to raise any prematurity point.

7.29 With regard to paragraph 49(b) and paragraph 50, the Central Lancashire authorities are in the process of a plan review. The report to the Central Lancashire Strategic Planning Joint Advisory Committee on the 25<sup>th</sup> January 2021 (**Appendix SH5**) states:

*"1.3 The Local Plan team have been progressing work on developing the Preferred Options plan. This work has focused on a limited number of areas initially whilst waiting to hear on the planning white paper, however it has been agreed at the JAC on 10th November, that the team should progress with developing the plan in line with existing planning guidance. This is based on the time considered necessary for any changes to come through parliament to enact changes to the planning system. Both Members and Officers agreed that there is a need to progress work to ensure we can work towards delivering and up to date NPPF compliant Local Plan and secure a five year housing land supply across all 3 councils. 1.4 Draft policies and an updated Vision and Objectives are currently being worked on and it is intended to bring draft policies to the Working Group in the Spring."*

7.30 With regard to the timetable it states:

*"We are currently reviewing this timetable and looking at how we can progress the timetable to still meet the 2023 deadline. An update on this will be prepared for future meetings."*

7.31 The draft timetable is then set out which is:

- Stage one Issues and Options Consultation November 2019 to February 2020
- Stage two Preferred Options Consultation June 2021 to August 2021
- Stage three Publication Draft October 2022 to December 2022
- Stage four Submission March 2023
- Adoption December 2023

7.32 It is clear that a new local is still several years away from adoption and it is my position that releasing this 3.6 hectare site now to meet the shortfall in housing delivery would not prejudice the emerging local plan which will review and plan for the comprehensive development of South Ribble, Preston and Chorley. As a more local level there would be no harm from the release of this site now to the delivery of the other land allocated or safeguarded in the development plan.

7.33 On that basis Reason for Refusal 2 cannot be sustained.

## 8. Proposition 3

### **There are no site specific issues and the proposal is a sustainable development**

- 8.1 A number of concerns have been raised by third parties to the application and appeal. Whilst these are not issues between the LPA and the Appellant, I will nevertheless address them to establish that there are no site specific issues that would prevent the site from coming forward for development.
- 8.2 Paragraph 11 places a presumption in favour of sustainable development. Sustainable development is considered to encompass the three dimensions of sustainability. These are:
- Economic;
  - Social; and,
  - Environmental.
- 8.3 Paragraph 8 of the Framework states that all three of these 'overarching objectives' must be viewed as interdependent and need to be pursued in mutually supportive ways.
- 8.4 These objectives are addressed in turn below.

### **Economic role**

- 8.5 The Framework advises that the key economic objectives are to help build a strong, responsive and competitive economy by ensuring sufficient land of the right types is available in the right place and at the right time to support the growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.6 The proposals will provide economic benefits as the new dwellings will generate both direct and indirect employment opportunities through new jobs through construction and via the supply chain.
- 8.7 It is anticipated that the proposal will also increase indirect spending, and provide support to existing local services.

## **Social role**

- 8.8 The social objectives set out in the Framework seek to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.
- 8.9 Chapter 5 of the NPPF seeks to ensure that new developments provide a wide choice of quality homes to create sustainable, inclusive and mixed communities.
- 8.10 The proposal seeks to provide up to 100 new dwellings, offering a high quality development that will consist of a mix of market and affordable housing which will provide a significant contribution to the Council's housing land supply.
- 8.11 The proposal will provide a mix of both affordable and market housing (to be agreed) which will respond to policy objectives to provide mixed and balanced communities.
- 8.12 The proposal has been designed specifically to ensure the site can accommodate areas of both public and private amenity space. The proposed development will provide a high quality design which will not only provide an enhanced sense of place of the local community but also will be designed to ensure that the proposal offers a safe and secure environment that will foster increased social interaction and support a healthy lifestyle (Chapter 8 of the Framework).
- 8.13 The proposal will be sympathetically designed to be in keeping with the character of the area and will provide a range of new dwellings providing opportunities for benefiting the health and social wellbeing of the local community.

## **Environmental role**

### **Design and access**

- 8.14 The accompanying plan provides an indicative layout of the proposed development. Although this application is in outline and the detailed design, layout, landscaping and appearance have been reserved for subsequent approval, the indicative masterplan details that a development for up to 100 dwellings can be adequately accommodated on the site. The proposal has been

carefully considered to ensure that the development will create a high quality design which will be in keeping with the character of the area and will reflect sustainable design principles.

- 8.15 The site will sit comfortably within established development along Chain House Lane. The site and surrounding land is contained by Chain House Lane, Church Lane, the railway line and Penwortham Way. Properties in the surrounding area include a mix of two storey, detached, semi-detached and terrace properties and bungalows constructed of red brick.
- 8.16 Whilst details of appearance and layout are reserved for subsequent approval, the development has been designed to ensure that existing natural features are retained and enhanced where possible so as to be in keeping and sympathetic to the character of the area.
- 8.17 The development has been designed to ensure that there is adequate spacing between existing and proposed residential properties so as not to have a harmful impact upon levels of residential amenity.
- 8.18 The proposal has been designed to ensure it complies with the objectives set out within Chapter 12 of the framework and policies 17 and G17 of the Development Plan which seeks to secure well designed places.

### **Access**

- 8.19 A Transport Assessment was prepared by SCP (October 2018) and this was updated in April 2019. LCC, as highway authority have no objection. A further update was undertaken and submitted to the LPA in September 2019 (**CD3.15**). The only change was that the access plan and masterplan were revised to avoid a tree on the north eastern boundary. This was undertaken with the agreement of the LPA and LCC as Highway Authority.
- 8.20 The proposal seeks to provide access via a simple priority 'T junction' from Chain House Lane. The proposal has been carefully considered to ensure that where appropriate the internal roads are designed to acceptable standards and there is more than sufficient space to allow for adequate onsite parking provision for all the dwellings proposed. The proposal therefore complies with Policy F1 of the South Ribble Local Plan which seeks to provide an adequate level of parking provision.
- 8.21 Local residents have raised specific concerns on highway matters and therefore these have been considered by SCP as the evidence has been prepared. Their technical note is included as **Appendix SH6**.

- 8.22 The proposals has been designed to ensure it can accommodate pedestrian and cycle access. A 2m wide footway will be incorporated along the site frontage and internal road network. The proposal will therefore provide appropriate access arrangements, which are acceptable in highway terms and therefore complies with Policy 3 of the Central Lancashire CS which encourages opportunities for cycling and pedestrian access.
- 8.23 The supporting transport statement advises that relevant assessments have been undertaken and there is ample capacity on the existing local highway network so as not to have a severe impact upon the surrounding road network.
- 8.24 Located under a mile from Lostock Hall, the site is considered to be within reasonable walking and cycling distance from local services and amenities including the SPAR on Browndge Rd, Lostock Hall and the Lostock Hall railway station.
- 8.25 The site also benefits from good access to public transport provision due to its close proximity to public bus stops on Chain House/Church Lane which offer frequent weekly bus services. Lancashire County Council has sought the following financial contributions
- Bus contribution of £150,000 to support the continued 114 service between Preston and Chorley for 5 years; and ,
  - £6,000 contribution towards cycle parking enhancements at Lostock Hall train station.
- 8.26 In paragraph 9.42 of the committee report dated December 2020 for the resubmission the LPA states "*Questions must be raised about the future of the bus service after 5 years when the funding would no longer apply. The likelihood is that the bus service will not become self-sustaining*". My view is that with the other developments that will come forward in the area will increase bus services locally so this 5 year contribution is an important benefit that will sustain the bus service in the intervening period to the benefit of not only the prospective residents but the communities between Preston and Chorley.
- 8.27 New Longton and Farington Moss St Pauls Church of England Primary Schools are located within 0.3 miles of the site.
- 8.28 The location and design of the proposed development will ensure a cohesive and sustainable form of development that will be well integrated into the existing highway network and can be easily adopted to provide suitable pedestrian and vehicular links in the future when the

surrounding land is developed. The proposals are therefore considered to comply with the objectives set out within Chapter 9 of the Framework and Policy 3 of the Central Lancashire CS which seek to secure sustainable transport.

## **Air Quality**

- 8.29 Following the submission of an Air Quality Assessment (**CD3.8**) following the refusal, the Council agreed at the Planning Committee meeting on 18<sup>th</sup> September 2019 that Reason for Refusal 3 can be withdrawn. Third parties have raised issues with the AQA however it was undertaken on the scope agreed with the Environmental Health Officer at the LPA and therefore consistent with the methodology applied across South Ribble.
- 8.30 The mitigation measures which were included in the AQA are to be secured by either condition or the Section 106 agreement, for example the bus contribution, cycle storage at Lostock Hall rail station and securing electric charging points.

## **Ecology and Biodiversity**

- 8.31 As set out above the site consists of three fields made up of improved grassland and is surrounded by mature trees and hedgerows. There are no known statutory or non-statutory designated conservation areas within or adjacent to the site. The site is located within the SSSI impact risk zone of the Ribble Estuary.
- 8.32 A detailed Ecological Survey and Assessment, including a phase 1 habitat survey has been carried out by ERAP, the results of which were submitted with the application.
- 8.33 The survey indicates that no protected species have been found on site. Pond 1 and existing hedgerows on site have been identified as Priority Habitats for foraging wildlife. The indicative masterplan details how the proposals can be accommodated on site whilst retaining ecological features of value. A 5m buffer around pond 1 and habitat connectivity is maintained between the site and surrounding land to the east and west of the site is also being proposed.
- 8.34 The proposal seeks to retain all key and notable natural features of the site where possible. Hedgerow 7 which runs parallel to Church Lane has been identified as an 'Important' hedge under the Hedgerow Regulations 1997.



- 8.35 All hedgerows are proposed to be retained and enhanced where possible, aside from the sections of hedges 5 and 8 which are proposed to facilitate access to the site.
- 8.36 The proposal has been designed to ensure that the development will be acceptable when having regard to the ecological considerations present on site and will not cause any significant harm to notable or protected species.
- 8.37 It is proposed that the development will be carried out on site in accordance with the precautionary mitigation measures (to protect (potential) amphibians present during construction) and biodiversity enhancements (additional landscaping, bat and bird boxes) to be specified within the ecological assessment, so as to ensure that the proposals will secure ecological net gain and will maintain and enhance habitat connectivity within the site.
- 8.38 Having regard to the above, the proposal is considered to satisfy both local policies (G16 and P22) and national planning policies in terms of nature conservation.

### **Flood risk/ground conditions**

- 8.39 Located within flood zone 1 the site is at a low level of flood risk. Prior to the commencement of development a full drainage strategy will be submitted which will show how the proposal has been designed adequately to facilitate surface water drainage. This can be secured adequately via a planning condition. The proposals are therefore considered to satisfy Policy 29 of the Central Lancashire CS which seeks to improve water quality and water management in order to minimise the risk of flooding.
- 8.40 A phase 1 contaminated land report accompanies this application. A detailed survey of the site indicates that agriculture is the only known use to have taken place on this site and therefore there are no known significant sources of ground contamination within or surrounding the site.
- 8.41 Although records indicate that the site has not been subject to landfill it is noted that pond number 2 has been filled in. As a precautionary measure an intrusive ground investigation is recommended in order to establish the properties of the sub-surface material, assess the geological succession and assess the risk of potential landfill gases due to the infill of pond 2. This can be dealt with via planning condition.

- 8.42 Local residents have raised specific concerns on drainage matters and therefore these have been considered by Ironside Farrar as the evidence has been prepared. Their technical note is included as **Appendix SH7**.
- 8.43 Having regard to the above it is considered that the proposed sensitive residential use is considered to be acceptable on this site and is therefore unlikely to raise any significant concerns in term of ground contamination. The proposal is therefore in line with policy G14 of the South Ribble Local Plan which seeks to ensure that new development proposal satisfactorily address any issues of contamination through remedial measures, where necessary.

## 9. Summary and conclusions

- 9.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 The policies contained within the development plan are the starting point in decision-taking. The Framework constitutes an important material consideration in determining applications and establishes the Government's views of what sustainable development means in practice for the planning system. It also sets out the circumstances when paragraph 11(d) is engaged.
- 9.3 For decision-taking, the Framework requires Local Planning Authorities to approve development proposals that accord with the development plan without delay and where the plan is absent, silent or policies are out of date, approve planning permission unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.4 It is common ground that Policy G3 is out of date and the tilted planning balance in paragraph 11(d) of the Framework is engaged. Permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup> ; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **The Planning Balance**

#### **Tilted Balance**

- 9.5 To significantly and demonstrably outweigh the benefits is a deliberately very high threshold, hence the term 'the tilted balance'. In the case of this appeal, the proposal would result in a number of benefits.

#### **Social**

- The delivery of housing to contribute towards meeting the housing needs of Preston. I rely on the evidence of Mr Pycroft on this issue. I consider that the LPA has

unreasonably given limited weight to the provision of the new homes proposed. In the context of “*the government policy imperative is to boost the supply of housing*”<sup>4</sup>, this is a benefit of significant weight.

- The delivery of affordable housing to help meet borough wide levels of identified future and previously unmet acute needs. I rely on the evidence of Mr Pycroft on this issue which sets out the need. This is a benefit of significant weight.

## **Environmental**

- The proposal would result in net overall biodiversity benefits. This is a benefit of limited weight.

## **Economic benefits**

- the creation of jobs in construction and the supply chain. This is a benefit of limited weight.
- housing economically active people to meet the district's economic aspirations and jobs growth targets and increased household spending in the local area. This is a benefit of limited weight.
- The bus contribution of £150,000 to support the continued 114 service between Preston and Chorley for 5 years; and £6,000 contribution towards cycle parking enhancements at Lostock Hall train station should be given moderate weight.

9.6 The LPA give three reasons why substantial weight should still be given to Policy G3. They are:

- 1) the current housing need in South Ribble and the housing land supply position.
- 2) the consistency of Policy G3 the NPPF Paras 139(c) and 139(d); and,
- 3) the nature of the different distribution between JCS Policy 4(a) and the LHN requirement.

9.7 On (1), my evidence is:

- The LPA cannot demonstrate a 5 year supply;
- If all commitments are built as the LPA expect, they will be 453 dwellings short of meeting their development plan requirement at 2026;
- The site is located in an area for growth in the adopted development plan where allocated sites have not delivered as expected and the appeal site, adjacent to Site EE and S2 is the most logical location to meet those needs in this location now in a location that has been safeguarded for development.

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<sup>4</sup> Land off Audlem Road/Broad Lane, Stapeley, Nantwich

- There is a significant shortfall in the delivery of affordable housing which will continue to persist due to a lack of supply.
- I consider that the LPA has unreasonably given limited weight to the provision of the new homes proposed. Even if the LPA can demonstrate a 5 year supply, in the context of "*the government policy imperative is to boost the supply of housing*"<sup>5</sup> and the obligation of the City Deal, this is a benefit of significant weight.

9.8 On (2), my evidence is:

- The post 2018 Framework appeal decisions across the country demonstrate that safeguarded land should be released if there are material considerations which outweigh the harm.

9.9 On (3), my evidence is:

- application of the standard method results in a radically different distribution of housing across the housing market area when compared to that contained within Core Strategy Policy 4; and,
- applying LHN is significantly at odds with the distribution of people, jobs and services and will result in unsustainable growth in Central Lancashire.

9.10 Applying the LPA's position on Policy G3 would in my view add harm by failing to meet the housing needs in the area and not following the spatial distribution in the CLCS. This is supported by paragraph 6.7 of MoU states that "*applying the standard method figure to each individual authority, as calculated, would be significantly at odds with the distribution of people, jobs and services*".

9.11 Policy G3 states that "*Planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land*". The appeal site is part of the wider allocation of safeguarded land (Site S3 South of Coote Lane, Chain House Lane, Farington) and the proposals have been prepared to ensure that there is no prejudice to that wider parcel of land which is controlled by Homes England coming forward at a later date. The Appellant and Homes England have prepared a joint masterplan for the wider site which confirms that there would be no prejudice. In addition the masterplan agreed with Homes England ensures that the land to the north of Chain House Lane can be accessed.

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<sup>5</sup> Land off Audlem Road/Broad Lane, Stapeley, Nantwich

- 9.12 The remainder of Site S3 to the east is divorced from the appeal site and Homes England site by roads and the railway which are clear barriers. Each parcel can be developed without impacting others and can be masterplanned separately. Even so, the provision of the footpath links and the bus stop under this proposal would integrate with the land to the east. Therefore the LPAs concern on site S3 being planned comprehensively is unnecessary and unfounded.
- 9.13 To conclude, the conflict with policy G3 would result in limited harm; harm which is more than outweighed by both the very significant benefits being delivered and the absence of constraints. On that basis Reason for Refusal 1 cannot be sustained.

### **Flat Balance**

- 9.14 Notwithstanding the point as to the tilted balance being engaged which is my primary case, it is considered that the limited harm arising from the proposed development would be outweighed by the benefits of the scheme. Planning permission is therefore considered to be justified based on the general planning balancing exercise i.e. 'other material considerations' as per Section 38 of the Planning and Compulsory Purchase Act 2004. This position is supported by the Pear Tree Lane decision where the Inspector at Pear Tree Lane did engage with the traditional, or 'flat' planning balance (i.e., if the tilted balance were not engaged). This would have to include that the LPA could demonstrate a 5 year supply. The Inspector was clear that the grant of planning permission would still be justified. He states:

*"Even if I were to conclude that the 'tilted balance' was not engaged in this case, applying the 'flat balance' under section 38(6), I find that the significant benefits of the proposal in addressing housing needs in Chorley would outweigh the harm due to the conflict with Policy BNE3 and its effects on the landscape, visual amenity and the significance of the heritage asset. As such the material considerations would still warrant a decision other than in accordance with the development plan. Accordingly, the appeal should be allowed."*

- 9.15 The approach taken by the Inspector for the Pear Tree Lane appeal decision should be noted where the benefits were given significant weight and the safeguarded land would have been released on the flat balance. For the reasons on housing need that Mr Pycroft sets out I consider this should also apply to this site.
- 9.16 I can therefore conclude that whether the tilted planning balance is engaged or not, in accordance with the presumption in favour of sustainable development, planning permission should be allowed for the proposed development.

## 10. Appendices

Appendix SH1	Illustrative Masterplan with Homes England
Appendix SH2	Homes England Letter January 2021
Appendix SH3	Coote Lane Location Plan and Site Plan
Appendix SH4	Central Lancashire Employment Land Study – Key Issues Report
Appendix SH5	Central Lancashire Strategic Planning Joint Advisory Committee on the 25th January 2021
Appendix SH6	SCP Technical Note
Appendix SH7	Ironside Farrar Technical Note
Appendix SH8	Keyfold Farm Appeal Decision
Appendix SH9	Housing Officer consultation response October 2020