CD6.04

Appeal decision – Land off Sandy Gate Lane

Preface:

This appeal decision is relevant due to the proximity to the appeal site and confirms the site is outside of a Rural Settlement Boundary as indicated on the Policies Map for the purposes of Policy AD1(b) of the Local Plan. It is also relevant as the Inspector has not considered LP Policy AD1(a) relevant to the Key Fold Farm site and the Council does not consider LP Policy AD1(a) relevant to this appeal site.

Relevant paragraph: 33 which is highlighted in green

CD6.04

Appeal Decision – Sandy Gate Lane, Broughton

Preface:

This appeal decision is important because it deals with a site which lies immediately to the west of the proposals and was allowed. It deals with the accessibility and sustainability of Broughton at the time of the decision which is relevant to the consideration of the appeal scheme.

The relevant paragraphs referenced in the Appellant's proof are highlighted yellow.

The Planning Inspectorate

Appeal Decision

Inquiry Opened on 6 February 2018

Site visit made on 13 February 2018

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2018

Appeal Ref: APP/N2345/W/17/3179105
Land off Sandy Gate Lane, Broughton, Preston,
Lancashire PR3 5LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Hollins Strategic Land LLP against the decision of Preston City Council.
- The application Ref 06/2016/0736, dated 5 August 2016, was refused by notice dated 2 May 2017.
- The development proposed is the erection of up to 97 dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 97 dwellings at Land off Sandy Gate Lane, Broughton, Preston, Lancashire PR3 5LA in accordance with the terms of the application, Ref 06/2016/0736 , dated 5 August 2016, subject to the conditions set out in the Annex hereto.

Application for costs

2. At the Inquiry an application for costs was made by Hollins Strategic Land LLP against Preston City Council. This application is the subject of a separate Decision.

Procedural and Preliminary Matters

3. The inquiry was in respect of two appeals, conjoined for a single inquiry. For convenience they are respectively referred to, following my pre-inquiry note of 20 December 2017, as **Appeal A** (site A/appellant A) and **Appeal B** (site B/appellant B).

4. Both applications subject to appeal are for housing and are made in outline with all matters reserved except access, for which detailed approval is sought in each case.

5. The Inquiry sat between 6 and 9 February 2018, inclusive, and I conducted my formal visit to the appeal site on 13 February, combining this with my equivalent visit to the site of Appeal B.

6. **This decision is in respect of Appeal A.**

7. Appeal B is referenced APP/N2345/W/17/3179177 (LPA Ref 06/2017/0097). Site B is Keyfold Farm, 430 Garstang Road, Broughton, Preston, Lancashire PR3 5JB and the proposal in that case is for up to 130 dwellings. Appellant B is Wainhomes (North West) Ltd.

8. Each appeal is determined on its individual merits but, as there is much commonality between them in respect of policy context and other considerations, much of the evidence I was presented with and much of my reasoning, notably in respect of the first four of the main issues I have identified below (which are identical as between the two sites) is identical in each case. Matters specific to the site at issue in this appeal are of course reasoned specifically in this decision as necessary. Cross reference to the other appeal, as necessary, is to Appeal B, and joint reference, as necessary, is to both Appeals A and B.

9. Inquiry Documents (ID) may refer to, or be relevant to, one or both proposals, as the case may be; and the same principle applies to the Core Documents (CD) listed.

10. Pursuant to my pre-inquiry note, the appellants A and B combined to agree with the Council a 'Tripartite' Statement of Common Ground (TSoCG).

11. In addition, a Statement of Common Ground specific to this appeal has been agreed between Appellant A and the Council. I refer to this as SoCG (A).[1]

12. The Broughton in Amounderness Parish Council ('the Parish Council') participated in the inquiry as a 'Rule 6 party' and I was told that it broadly represents the views of a sizeable proportion of Broughton village residents. Having read the letters submitted, both at application and appeal stage, I have no reason to doubt that; and on a personal note wish to record my appreciation of the courteous and considered manner in which it put its case.

13. Following the lunchtime adjournment on Day 2 of the Inquiry, as a consequence of answers given in respect of the housing land supply by its first witness, under cross-examination by the advocate for Appellant B[2], the Council informed me that it would no longer be pursuing its sole reason for refusal of both applications, as it was not in a position to defend it. Consequently, the evidence of its second witness, Mr Clapworthy, was formally withdrawn and the Council took no further part in the inquiry so far as matters of substance relevant to the case were concerned.

14. A further consequence is that the evidence of Mr Pycroft[3], on behalf of both appellants, and that of Mr Sedgwick on behalf of this appellant, is effectively uncontested by the Council.

15. The appeal is supported by a planning obligation in the form of an agreement between the appellant, the Council, and the Lancashire County Council dated 9 February 2018. In brief detail this provides for financial contributions to primary education in the locality prior to specified thresholds of housing occupation, a travel plan contribution and for the provision of 35% affordable

[1] ID2
[2] Mr Ponter, advocate for this appellant (A), adopted in full Mr Fraser's cross–examination undertaken on behalf of Wainhomes (Appellant B)
[3] Concerning housing land supply

housing under a programme tied to specified thresholds of occupation of the open market dwellings, so as to ensure full delivery of the affordable dwellings.

Main Issues

16. On the basis of my understanding of the substance and circumstances of the appeal, and agreement with the parties on opening the inquiry, I consider, in the context of relevant local and national policy, the main issues in this appeal to be identical to those in Appeal B, namely:-

- Does the Council have an adequate supply of housing land?
- Are the proposed developments adequately accessible to employment opportunities and services?
- To what extent would the proposed developments conflict with and harmfully undermine the strategic land use planning aims of the Council?
- To what extent would the proposed developments conflict with the aims of the emerging Neighbourhood Plan and what weight should be given to any conflict with those aims?
- Would the proposed development in this case give rise to any specific environmental or other harm and what weight should be accorded to such harm?

Reasons

Background: The site in its surroundings

17. The appeal site is described in the SoCG (A) but essentially comprises agricultural land with hedgerows and trees, currently down to pasture, between the south west margin of Broughton, as defined by the grounds of the high school (Broughton College), and the Grade II listed farmstead comprising Bank Hall and Bank Hall Farmhouse and the curtilage, from which the boundary of the appeal site stands clear. The eastern boundary of the site stands clear of the recently by-passed A6 Garstang Road (beyond which lies Appeal site B).

18. The proposed road access to the site is off the southern end of Sandy Gate Lane which, together with Moorcroft and Broadfield, serves part of an established area of suburban style housing north of Dobson's Farm, as well as the high school. The growth of Broughton west of this housing area appears to have been restricted by the presence of the West Coast mainline railway.

19. Much of the western boundary of the site south of the proposed access corresponds to the southern continuation of Sandy Gate Lane as a bridleway, which has in recent years been adapted to accommodate a lit section of the Preston Guild Wheel cycleway ('the Guild Wheel') which continues southwards to cross the railway via an overbridge. Beyond that point the Guild Wheel continues across the valley of the Woodplumpton Brook and from that point southwards across the M55 motorway and into the urban area of Preston itself.

20. From Sandy Gate Lane eastwards the Guild Wheel shares, initially, the high school access before following its southern boundary along an unlit route confined by the northern boundary of the appeal site. (The illustrative plan

supporting the application subject to appeal indicates the possibility of an alternative route for the Guild Wheel through the proposed housing site from the vicinity of Dobson's Farm, south of an existing pond within the site to re-join the original route near the eastern extremity of the site.) The sign post waymarking the Guild Wheel on Sandy Gate Lane includes reference to the Preston North East and Red Scar employment areas, which lie to the south of Broughton, the latter to the east of the M6 motorway.

21. South of the appeal site the land is mainly in agricultural use, ultimately dropping away into the valley of the Woodplumpton Brook before rising towards the M55 which follows higher ground to the south of the water course. In the distance, beyond the motorway, some of the new housing associated with the ongoing North West Preston development area is discernible from the vicinity of the appeal site.

22. The village of Broughton is centred on the crossroads formed by the A6 Garstang Road and the B5269 Woodplumpton Lane/Whittingham Lane. The recently constructed by-pass which runs east of the village from the vicinity of the M55 Junction 1, to a point on the A6 south of Barton via a roundabout junction with Whittingham Lane, has clearly had a significant effect; and a programme of consequential highway improvements facilitated by the removal of much through traffic is under way. A significant section of the by-passed A6 through the village is now subject to a 20 mph speed limit.

23. Historically, the village has witnessed ribbon development along Whittingham Lane in particular with some mid-twentieth century estate development in depth at Pinewood Avenue/Willowtree Avenue, but considerably more of the latter type of development west of the A6 north of Woodplumpton Lane and west of Newsham Hall Lane as far as the railway.

24. Other than those previously mentioned, services and facilities in and around the village currently include various local shops, some of a specialist nature, two filling stations, a public house, a police station, a restaurant, a dental surgery, the North West Ambulance Service NHS Trust, the Marriot Hotel and the Broughton-in-Amounderness Church of England Primary School. The Nos. 40 and 41 bus services (Lancaster - Preston) utilise the A6 Garstang Road and the No 4 bus service (Longridge - Preston) utilises the B5269 through the village.

Background: The policy framework

25. For the purposes of considering the main issues in both this case and that of Appeal B, the essential local and national policy framework is identical and is, for the most part, detailed in the TSoCG.

26. The National Planning Policy Framework, published in March 2012, is a powerful material consideration; but the starting point for determination of the appeals is of course the development plan. For present purposes[4] the relevant components of the development plan are the jointly prepared[5] Central Lancashire Core Strategy ('the Core Strategy'), adopted in July 2012 to cover

[4] It is common ground (TSoCG paragraphs 2.15 and 2.16) that, whilst the Preston City Centre Plan, the saved policies of the Preston Local Plan (2004), the Joint Lancashire Minerals and Waste Local Plan and the Inner East Preston Neighbourhood Plan are also parts of the development plan, the parts relevant to the Appeals A and B are the Central Lancashire Core Strategy and the Preston Local Plan 2012 to 2026.
[5] By Preston City Council, Chorley Borough Council and South Ribble Borough Council.

the period 2010 – 2026, and the Preston Local Plan 2012 – 2026 *Site Allocations and Development Management Policies* ('the Local Plan'), adopted in July 2015.

27. Amongst other things, Policy MP of the Core Strategy effectively replicates, so far as decision-taking is concerned, paragraph 14 of the Framework. The "presumption in favour of sustainable development", as defined therein, including the so-called "tilted balance" (as it is now generally understood) embodied in its second limb, is thereby enshrined in the development plan itself. This point was forcefully submitted by the advocate for Appellant B in closing[6] who argued amongst other things that, in the absence of a five year housing land supply, the determination process defaults, by virtue of the development plan itself, entirely to the provisions of the Framework, rendering Policy 1 of the Core Strategy, for example, effectively irrelevant.

28. Whilst the logic of the point had been accepted by the relevant witness for the Council, that is not in fact the end of the matter, bearing in mind the need for me to consider the development plan as a whole. Although I was not referred to this by the parties, I note in doing so that the more recently adopted Local Plan carries a similar "model policy", namely Policy V1. This applies only within the administrative area of Preston City Council and differs subtly from Policy MP of the Core Strategy in a number of ways. First, it clarifies beyond doubt that the reference in the third paragraph to absent or out–of–date policies is a reference to policies in the statutory development plan. Secondly and more significantly, in the words of paragraph 2.1 of the explanatory text, under the sub-title "Vision for Preston" (which concerns the 'presumption in favour of sustainable development' being seen as a 'Golden Thread' running through plan making and decision-taking), it seeks to… "*ensure this presumption in favour of sustainable development at Preston district level*."

29. The third and final paragraph of Policy V1 is as follows:-

"*where there are no statutory development plan policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:*

a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and those contained in the Core Strategy; or

b) specific policies in the Framework and Core Strategy indicate that development should be restricted."

(The emphases are mine.)

30. Very arguably this policy has the potential to diminish, if not entirely negate, the force of Mr Fraser's submission, when the logic embodied therein is applied. However, I am conscious that, unlike the second limb of paragraph 14 of the Framework, the policy carries no exemplification, equivalent to Footnote 9 of the Framework, of the sort of specific policies (in both the Framework and the Core Strategy) which indicate development should be restricted. Moreover,

[6] ID22 paragraph 13

although the effect of footnote 10 to the Framework[7] is embodied in the text of the policy, it also differs from the Framework insofar as the second limb to its paragraph 14 states that the presumption in favour of sustainable development means (in the circumstances specified) "granting permission unless…" (the specified policy 'test' is met), whilst the Policy V1 equivalent simply requires that the specified matters are "taken into account". There are therefore small but potentially significant inconsistencies with the Framework paragraph 14 which Policy V1 purports to emulate locally. Notwithstanding the advice of paragraph 15 of the Framework, and bearing in mind also the requirement in that for clarity, I therefore consider the advice on implementation in paragraph 215 of the Framework applies and the weight to be accorded to Policy V1 is to be reduced accordingly, whereas Policy MP of the Core Strategy is effectively on all fours with the Framework.

31. That said, I am not persuaded, all things considered, that Mr Fraser's submissions lead anywhere beyond a need for the above analysis of development plan policy, bearing in mind that, whilst the effect of paragraph 49 of the Framework concerning housing land is clear in its effect, the Framework is also emphatic as to the importance of the system being plan-led and it is well established law[8] that engagement of the presumption in favour of sustainable development does not render policies in the development plan irrelevant, but rather affects the weight which the decision maker should consider according to them. Indeed, if Policy MP is intended to have the effect claimed by Mr Fraser it would itself be wholly inconsistent with the Framework to the extent that the latter supports the plan-led system.

32. The correct approach in circumstances where paragraph 14 of the Framework is potentially engaged, as here, is not therefore to entirely disregard the policies of the development plan, as Mr Fraser advocates, but rather, in the exercise of planning judgement, to consider the weight to be accorded to potentially determinative policies, alongside other material considerations, within the balance set by paragraph 14. That is the approach I therefore follow in the determination of both appeals A and B.

33. Policy 1 of the Core Strategy sets out its intention to concentrate growth and investment according to a hierarchy of established settlements and strategic sites. As a "smaller village", Broughton is a settlement at the bottom of that hierarchy, in category (f), which is referred to in the following terms: *"In other places – smaller villages, substantially built-up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*

34. The proposals at issue meet none of those criteria of scale and clearly do not represent redevelopment. It is common ground that the appeals A and B would both conflict with Policy 1(f).[9]

35. It is also common ground[10] that both would conflict with Policy EN1 of the Local Plan. In the *"Open Countryside as shown on the Policies Map",*[11] this limits

[7] "Unless material considerations indicate otherwise."
[8] CD22 *Suffolk Coastal District v Hopkins Homes & Richmond Estates Partnership LLP v Cheshire East Borough Council* [2017] UKSC 37
[9] TSoCG paragraph 2.23
[10] Ibid. paragraph 2.24
[11] i.e. Policies Map for the Preston Local Plan 2012 – 2016

development to specified categories which large housing estates, such as those proposed in this instance, plainly do not fall within. Although the notation in the key to the Policies Map (presumably for clarity) indicates the Areas of Separation subject to Local Plan Policy EN4 (one of which includes both sites) to be a separate category, paragraph 8.11 of the policy explanation is abundantly clear that Policy EN1 for the protection of the Open Countryside applies within the Areas of Separation in any event. Moreover, it is clear that both appeal sites are effectively outside the Rural Settlement Boundaries indicated on the Policies Map for the purposes of Policy AD1(b) of the Local Plan and hence within the Open Countryside for development plan policy purposes, as acknowledged in the TSoCG.[12]

36. The TSoCG is, however, silent on the matter of potential conflict with Local Plan Policy EN4 concerning Areas of Separation, as this is neither acknowledged by the appellants nor alleged by the Council. Conflict with EN4 is, however, alleged by the Parish Council and individual local residents. This Local Plan policy originates from Policy 19 of the Core Strategy which, amongst other things, states that an Area of Separation will be designated "around" Broughton.

37. In addition to the above policies relevant to the main issues for both appeals A and B, I shall refer only as necessary to other specific policies in the development plan relevant to one or both appeals as the case may be.

38. The Broughton-in-Amounderness Neighbourhood Development Plan ('the Neighbourhood Plan') is in the course of preparation. It is proposed that the plan should cover the period 2016 – 2026. Its first iteration[13] has been independently examined. However, as a consequence of that examination it has effectively been prevented from moving forward to the stage at which it would be 'made' and consultation on an amended plan under Regulation 14[14] has been initiated by the Parish Council. The examiner's report on the first iteration of the plan was received by the Parish Council on 9 September 2017.[15] The examiner "*requested that the Plan should be amended and be subject to a further formal consultation, then be submitted for a further independent examination*". [16] The Parish Council published the amended plan in October 2017[17] but it appears that the new Regulation 14 consultation has been procedurally challenged and has been repeated for safety, with consequent delay to the Regulation 16 consultation and subsequent examination.

39. It is common ground between the Council and both appellants A and B that, as at the end of January 2018, following the advice of paragraph 216 of the Framework, the emerging Neighbourhood Plan should attract "no more than limited weight" in the determination of the appeals. The Parish Council acknowledges the facts of the matter in the context of relevant procedure and guidance, but emphasises that the circumstances are unusual.

[12] TSoCG paragraph 2.24
[13] CD15
[14] Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended)
[15] CD16
[16] Foreword to October 2017 Neighbourhood Plan CD17
[17] CD17

Housing land supply

40. Given the Council's concession that it could not correctly demonstrate a five year supply of deliverable housing sites and consequent effective withdrawal from the contest of the appeals, the first main issue can be addressed in relatively short order. The evidence of Mr Pycroft on behalf of both appellants A and B stands effectively uncontested and there was in any event no significant dispute over the figures to be used in the calculation so far as the individual components of supply were concerned, but rather the way those component figures were to be deployed. The relevant calculation equates to the period addressed by the Council's latest Housing Land Position Statement[18], i.e. the five-year period 1st October 2017 to 30th September 2022. The relevant figures are clearly set out in Mr Pycroft's evidence at Table 3.2.

41. It is necessary, however, to consider certain elements of the calculation in principle in order to assess the magnitude of the acknowledged shortfall.

42. First of all, the 'Memorandum of Understanding' between the three Councils party to the Core Strategy (which has not to my knowledge been reviewed pursuant to its paragraph 7.1 and which was signed by Preston as recently as 3rd October 2017) confirms that, pending the adoption of a replacement local plan, the housing requirements of the Core Strategy are to be applied.

43. Amongst other things, this document recognises at paragraph 5.10 that meeting the housing requirement figures in the current Core Strategy ensures that the Objectively Assessed Need (as in the latest SHMA) is met in full across the Housing Market Area and that apportionment (between the Councils' respective areas) on the basis of the Core Strategy requirements will help to address net out-migration from Preston to other parts of the Housing Market Area.

44. The Memorandum also acknowledges that the Core Strategy has been examined and found to be sound in the context of the Framework. Bearing that in mind, the statutory Duty to Co-operate[19], and also the object of national policy to boost significantly the supply of housing[20], I have no reason to question, on the evidence before me as it now stands, the underlying essential merits of what is effectively a joint declaration of intent as to how the Councils will for the time being distribute new housing between and across their respective and combined areas. I am also conscious that the ongoing housing requirements set out in Policy 4 are conceived of as minima.

45. It has been accepted by the Council that the base date of 2014 for assessing housing completions, used for the purposes of the current Strategic Housing Market Assessment (SHMA), is incorrect for the purposes of calculating the five-year supply of deliverable sites. Given that the accepted basis for the housing land requirement is the development plan, in this case the Core Strategy, as indicated in the Memorandum of Understanding, the correct base date going forward is 2010 as the Core Strategy covers the 16 year period 2010 – 2026.

46. The relevant Core Strategy policy for the purpose of calculating housing requirements, Policy 4, embodies the principle of addressing the backlog of

[18] CD10
[19] Pursuant to s110 of the Localism Act 2011
[20] Framework paragraph 47

under-provision since 2003, in addition to the annual requirement from 2010, over the plan period to 2026. In Preston this has led to a significant accumulated backlog a little in excess of 1600 dwellings.[21]

47. Moreover, the evidence before me is persuasive that, effective though the Council's direct efforts to address ongoing vacancy in the older housing stock may be, the net effect of this on the overall supply of housing is effectively neutral and should therefore be discounted, as should the provision of student accommodation which, for a variety of reasons, appears not to have released existing stock for significant inclusion in the supply and in any event the data is patchy and not sufficiently reliable.

48. Although not labelling it as such, the Planning Practice Guidance effectively advocates the use of the so-called "Sedgefield" method to promptly deal with past under-supply or else rely on neighbouring authorities to assist under the Duty-to-Co-operate, but this would not be consistent with the spirit or intention of the Memorandum of Understanding to mitigate out-migration from Preston and the evidence before me[22] is now entirely supportive of the Sedgefield approach.

49. The Framework at paragraph 47 advocates the addition of a small buffer of deliverable housing sites to the demonstrable five-year supply so as to ensure choice and competition in the market for land. However, where there has been a record of persistent under delivery of housing, a larger buffer should be added, so as to provide a realistic prospect of achieving the planned supply. The requirement in this circumstance is for an additional 20% on top of the calculated five-year requirement, as opposed to the 5% buffer to be deployed where this is not the case and the principal requirement is simply to facilitate choice and competition.

50. The Framework does not define what is meant by "persistent under delivery" and conclusions on this at appeal have inevitably varied according to evidence and submissions. I am constrained therefore to form my own conclusion on the basis of the evidence before me and the plain, ordinary meaning of the word 'persistent'. This is given in the *Compact Oxford English Dictionary* to hand as "continuing or recurring for a long time". (My emphasis)

51. The evidence demonstrates[23] that, year on year from 2003, there has been a recurrent, albeit not continuous (again, my emphasis) under-delivery of housing, sometimes very significant in numerical terms, that has resulted in a net cumulative under-delivery of housing in Preston of around 1,600 houses. Taking into account the years of under-delivery set against the lesser number of years of over-delivery, but more particularly bearing in mind the net outcome and the object of paragraph 47 of the Framework, I am persuaded that under-delivery has been 'persistent' and therefore counter to Framework intentions to boost significantly the supply of housing. The ongoing problem of under-delivery has not yet been addressed sufficiently in Preston for there to be a realistic prospect of achieving the planned supply consistent with that fundamental intention of national policy.

[21] Evidence of Mr Pycroft paragraph 11.1
[22] As summarised in ID22 paragraphs 18-21
[23] As summarised in ID22 paragraphs 22-24

52. Finally, the appellants call into question the delivery assumptions on a small number of larger sites and, whilst this is inevitably to some degree a matter of conjecture, it is informed by reasoning. Furthermore, as a consequence of the Council's effective withdrawal from the substance of the proceedings, the evidence in that respect has not in the circumstances been tested or challenged through cross-examination of Mr Pycroft and I therefore have no evidential basis to question the overall thrust of the appellants' conclusions regarding those sites.

53. Be that as it may, the adjustments arising would (given the above conclusions on how the principal components of the land supply should be addressed and on how the appropriate methodologies, policy and guidance should be deployed) be of marginal significance to the overall conclusion that the Council cannot currently demonstrate the requisite five-year supply of deliverable housing sites. On a proper footing, in the context of the relevant national policy and guidance, the adopted development plan and the Memorandum of Understanding between the councils party to it, the appellants' primary contention that the supply of deliverable sites is seriously inadequate, when set against what is required as a consequence of that context, cannot be gainsaid.

54. The worst case of only a little over 3 years' supply has been demonstrated and very largely, in effect, accepted by the Council. Even allowing for some positive variation from the appellants' conjectures about a limited number of sites in the supply, this would not improve significantly, and in broad terms I am satisfied that the supply, properly calculated in the context of relevant applicable policy, lies between 3 and 3.5 years only. To put it another way, the current supply of deliverable housing sites is at best only 70% of what is required by national policy as articulated in the Framework and is very likely nearer 60%. On any assessment, in the context of applicable local and national policy, that represents a very substantial shortfall.

55. I acknowledge that to local residents aware of permissions recently being granted elsewhere and the nearby developments at Preston North West, this may seem counter-intuitive; but the reality is that the calculation can only be done at recognised points in time (as supply is inherently dynamic) according to accepted conventions and guidance, and for the Council's administrative area only, given the manner in which the development plan is cast and the Memorandum of Understanding formulated.

56. Other appeal decisions touching on the issue of land supply and other matters can be material and my attention was drawn to a number as listed in the core documents and referred to in evidence. It is clear on reading them that each relates to a particular set of circumstances prevalent at the time and relies on the detailed evidence before the individual Inspectors. Ultimately, I must rely on the circumstances and detailed evidence put to me in respect of these appeals A and B and, given the Council's unequivocal concessions in respect of housing land supply, it serves no useful purpose to give undue consideration to conclusions drawn elsewhere.

57. The recent decision at Pear Tree Lane in Chorley[24], decided on the basis of all the evidence and submissions heard by the Inspector at the relevant inquiry, ultimately proved to be of peripheral materiality to the Council's accepted position on this issue. Although within the same Core Strategy area it relates,

[24] CD28

moreover, to different circumstances in a different local planning authority, as is clear from its concluding paragraphs,[25] albeit the Memorandum of Understanding is clear in specifically agreeing that the adopted development plan is currently the proper basis for determining the housing requirement within the individual local planning authority areas.

Accessibility

58. As I have noted, in the light of its acceptance of the generality of the appellants' joint case on housing land supply, the Council declined to pursue its reason for refusal which, following the officer's report, included the contention that Broughton is a (rural) village with low accessibility to local employment areas, shops and services such that "*unplanned and inappropriate expansion*" (with, clearly, in these cases, housing development) would "*fail to achieve the social and environmental dimensions of sustainable development*". On that basis, the proposals, it has been claimed, would fail to focus development at an appropriate location, contrary to the development plan and the Framework.

59. The Parish Council emphasised, amongst other things, its concurrence with the analysis in the officer reports and the substance of the Council's decision.[26] Individual residents have supported the Council's original stance, both explicitly and implicitly. Accessibility therefore remains to be considered as a main issue notwithstanding the position latterly adopted by the Council at the inquiry.

60. 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.

61. Equally, I do not share the erstwhile apparent view of the Council that, because the spatial strategy embodied in the Core Strategy is driven by considerations of sustainability and considered to support and promote a sustainable pattern of development, departures from the articulated aspiration are to be presumed unsustainable. The strategy reflects a policy choice which is considered to optimise the settlement pattern in sustainability terms. Variations on the theme are not necessarily unsustainable in planning terms, not least in view of the definition of sustainable development set out in the Framework at paragraph 6.

62. It is very apparent that Broughton has expanded beyond its early nuclei in certain decades of the last century through the addition of ribbons and, more pertinently, estates of housing. This tendency has been largely but not exclusively concentrated around the east-west axis formed by the B5269 Woodplumpton Lane/Whittingham Lane. The facilities at the centre are readily accessible on foot from much of the village and those facilities would be

[25] CD28 paragraphs 63 -71
[26] Evidence of Patricia Hastings paragraph 2.1

similarly accessible to residents of the two developments proposed. That is a simple function of the geography of the settlement.

63. It remains to be seen whether the recent construction of the by-pass will prompt closure or expansion of established businesses or stimulate positive response to new opportunities arising from improved conditions on the principal thoroughfare in particular. Mr Sedgwick's conjecture that an increased population would be beneficial for established and, potentially, new businesses in the village seems to me to be entirely reasonable given the accessibility of the appeal sites to the existing centre.

64. Certain facilities including the church, the hotel, the ambulance service headquarters, the primary school and to some extent the high school, would be more accessible to prospective residents of the proposed housing estates than many existing residents. This is because the linear form of the village would change to a squarer form with most of the latterly mentioned facilities being located on its southern margin.

65. Despite its adjacency to a railway, the settlement lacks a station but the cruciform thoroughfares are adequately and in some respects well served by buses connecting the settlement to distant Lancaster including its University, nearby Preston including the Royal Preston Hospital, Longridge, Garstang, Fulwood and various other settlements. The journey to the centre of Preston is timetabled at around half an hour. The timetables submitted demonstrate the manner in which the bus services operate.[27]

66. The settlement does lack a supermarket at present but some convenience goods for top-up shopping are available at one of the two filling stations presently open in the village. For obvious reasons, it is an established and widespread practice for car owners to use their vehicles for a weekly shop in any event, even if they have a choice of transport modes or live relatively close to a supermarket.

67. Of particular note is the Preston Guild Wheel, a 21 mile cycling and walking route which encircles the city providing access not only to its more central area but also to a variety of leisure and employment destinations in the surrounding area. Broughton, including the proposed housing sites at issue, has direct access to the route.

68. All in all, I do not consider Broughton to be notably poorly served in terms of access to services and facilities or choice of transport modes. It is a core principle of the Framework, underpinning both plan-making and decision-taking, to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*." Policy 1 of the Core Strategy notwithstanding, I do not consider the proposed developments would offend that principle. If anything the reverse is true. They would be well located in those terms by comparison with housing sites associated with many freestanding settlements and the initial stance of the Council on this issue does not in my view withstand scrutiny.

[27] ID18 & ID19

Strategic land use planning aims

69. It is recognised by all parties that the proposed developments at issue would both conflict with Policy 1 of the Core Strategy. No other position would be tenable. They simply do not accord with the policy choice which has been made locally to concentrate development in accordance with a specified hierarchy. Oft repeated without good reason, developments such as those proposed would be insupportable in the context of a plan-led system. Individually, and more especially cumulatively, the pattern of development sought by the Core Strategy would be eroded, and the object of promoting it would be undermined.

70. However, the underlying rationale of the policy is the achievement, essentially, of a spatial pattern of development that is sustainable and the degree of harm to that aspiration is tempered to a significant degree in the case of these appeals by my conclusions on the previous issue regarding accessibility. The conflict with the policy itself is greater than the conflict with its originating intentions. That might well not be the case in a more remote and less accessible location or in a settlement lacking, for example, very necessary schooling facilities.

71. Moreover, the strategic land use planning aims of the Council, include, explicitly by virtue of Policy MP of the Core Strategy, the presumption in favour of sustainable development and the triggering of the so-called "tilted balance" by its inability to currently demonstrate a five-year supply of deliverable housing sites, following on from the circumstances anticipated by paragraph 49 of the Framework and the contextual priority to boost significantly the supply of housing as set out in paragraph 47 of that current expression of national policy. It thus follows that the weight to be accorded to the planning aim of delivering housing vis-à-vis the planning aim of accordance with a set hierarchy of settlements is increased commensurately.

72. To some extent the weight to be accorded to housing delivery in this context is counter-balanced by Policy V1 of the Local Plan, albeit for the reasons previously given I do not consider that to be particularly effective in that regard.

73. Nevertheless it is necessary to consider the potentially restrictive effect of Local Plan Policy EN4 concerning Areas of Separation, which also gives site-specific effect, within Preston, to Policy 19 of the Core Strategy.

74. There is no evidence to suggest that EN4 is a policy of restriction equivalent to, for example, Green Belt or comparably restrictive policies set out in Footnote 9 to the Framework. I am, however, conscious of the judicial approach in the Supreme Court in the case of *Hopkins Homes*[28]. This is clear that a policy such as EN4 should not be regarded as a policy for the supply of housing rendered out-of-date by inadequate supply by reason of paragraph 49 of the Framework; and the same principle applies to Policy EN1 of the Local Plan, which all parties acknowledge to be offended by the proposals.

75. Although neither the appellants nor the Council consider policy EN4 to be offended by the proposals, that is not a position shared by the Parish Council and concerned residents from the locality including Mr Timothy Brown.[29]

[28] CD22
[29] ID16 and representation dated 04/10/17 from TB Planning

Whether or not there is conflict with this policy and, if so, the extent to which such conflict would harmfully undermine the strategic land use planning aims of the Council is central to my consideration of this main issue and the ultimate planning balance.

76. First, I am clear that, in essence, policy EN4 is driven by considerations of urban form rather than landscape protection, a point which the relevant witness for Appellant A, in response to my question on the point, did not dispute.

77. Secondly, I set relatively little store by the submissions of Appellant B suggesting the fact that the emerging Neighbourhood Plan is contemplating housing in the same area of separation is of note.[30] The scale and location of the proposal is not comparable, albeit the suggestion does tend to underline the general principle that the Area of Separation, as currently defined on the Local Plan Policies Map, is not necessarily intended to be inviolate.

78. That much is in any event apparent from the careful analysis in the officer's reports on both applications subject to appeal, which clearly underpin the Council's view that neither proposal is contrary to the thrust of Core Strategy Policy 19 or Local Plan Policy EN4. The lack of conflict with the development plan in that respect concluded by the Council was reflected in the omission of reference to those policies in its decision notices. Whilst I set some store by the careful analysis undertaken, I do not entirely agree, however, with the overall conclusion.

79. The parent Policy 19 in the Core Strategy is, according to the explanatory paragraph 10.14 of that document, concerned to maintain the openness of countryside in those parts of Central Lancashire where there are relatively small amounts of open countryside between settlements. Amongst other things, the policy is explicit that their identity and local distinctiveness is to be protected by the designation. Policy EN4 of the Local Plan interprets the intention of Policy 19 within the consequentially defined Areas of Separation within Preston in the following terms:-

Development will be assessed in terms of its impact upon the Area of Separation including any harm to the effectiveness of the gap between settlements and, in particular, the degree to which the development proposed would compromise the function of the Area of Separation in protecting the identity and distinctiveness of settlements. (The emphasis is mine.)

80. Although it is notable from the Policies Map that the defined area of Separation between Grimsargh and the Preston Urban Area is significantly narrower at its narrowest point than the Area of Separation between Broughton and the Preston Urban Area, the latter is fairly narrow nonetheless. It therefore seems to me that any development of significance within it has the potential to compromise its function to some extent, simply by the fact of reducing its extent. In the case of the appeal sites A and B combined, this would be across a broad front as the physical extent of Broughton would effectively be advanced southwards towards the Preston Urban Area. There would inevitably, in purely physical terms, be some harm to the effectiveness of the gap between the two settlements, as distinct from the perception of that gap so far as local residents and those travelling between the settlements is concerned. The

[30] ID22 Paragraphs 44 & 48

remaining gap would be smaller and more vulnerable to perceived or actual closure in the event of further development.

81. Having said that, it is true to say that the world is not perceived in two dimensions, as on a plan or policies map, but rather in three dimensions with, in reality, topographic and visual features such as vegetation playing a significant role. Thus it is that a relatively large gap on a featureless plain may be perceived as comparable in local identity terms to a comparatively small gap in more complex surroundings. I can appreciate that it is this principle which effectively underlies the analysis set out in the officer's reports to which I have previously referred.

82. In terms of the thrust of the policies 19 and ENV4, the emphasis on the degree to which the particular developments proposed would compromise the function of the Area of Separation in protecting the identity and distinctiveness of the settlements concerned adds a further layer of complexity to the consideration of whether the objects of the policies would be significantly harmed. It seems to me that the minimum requirement is for sufficient separation for them to be effectively recognised as separate places.

83. All in all, therefore, it seems to me that, at the most basic level of analysis, the two proposals at issue must, individually and collectively, bearing in mind the site-specific definition of the Area of Separation in the development plan, conflict in principle with its policy object of maintaining the separateness of Broughton as a settlement distinct from the Preston Urban Area; not least in view of their scale and location on the southern margins of Broughton as defined for the purposes of Policy AD1 of the Local Plan. The reality of the matter is that the two settlements as currently defined in terms of the Policies Map, and in terms of physical presence, would become closer together.

84. However, it is clear from the policy as set out that the magnitude of the potential harm to its objects in any particular case is a matter of fact and degree and, moreover, susceptible to mitigation in practice. That being so, the nature of the development, in terms of potential density, design, landscaping, layout and so forth must also be influential in that judgement. The fact that the developments at issue are proposed in outline does not in any definitive way assist on that score but, equally, there is sufficient information on those factors to form a view in principle and, clearly, those particular factors fall to be weighed in the balance of harms and benefits in determining each of the appeals A and B on its individual merits.

85. In conclusion on this issue, it is clear and uncontested that both proposals conflict with the development plan so far as Core Strategy Policy 1 and Local Plan Policy EN1 are concerned. It follows that they would not accord with Local Plan Policy AD1(b) which contemplates small scale development within Broughton. I have also identified a basic in-principle conflict with Policy EN4 of the Local Plan concerning the Area of Separation between Broughton and Preston, albeit such conflict is susceptible to mitigation according to circumstances and individual merits.

86. It has been submitted that Policy MP of the Core Strategy has, in circumstances where paragraph 49 of the Framework is engaged by reason of a shortage of deliverable housing sites (and other circumstances where relevant policies are out of date or non-existent), the practical effect of overriding all other development plan policies. Whilst it is well recognised that development

plan policies can pull in opposing directions and indeed that is to some extent inevitable and therefore entirely normal, I consider, for the reasons previously given, that such an interpretation would be wholly incompatible with the plan–led system, if taken to the extreme. All manner of development plan policies would be uncritically overridden in pursuit of housing supply. Notwithstanding the priority given to substantially boosting it embodied in the Framework, it cannot on the face of that document be the case that housing supply must necessarily be boosted at the expense of all other policy considerations.

87. Therefore Policy MP does not, in my view, even given the acknowledged housing land shortfall, make the proposals at issue four-square with the development plan itself. Rather it requires the application of the so-called 'tilted balance' of Paragraph 14 of the Framework. Given that I have concluded there would be conflict with the strategic land use planning aims of the Council, which would have the potential at least to harmfully undermine them, that conflict and potential for harm is a consideration to be weighed in the balance in considering whether one or both proposals at issue represent sustainable development.

Neighbourhood Plan

88. Although the Neighbourhood Plan had previously progressed to a relatively advanced stage, prematurity was not cited as a reason for refusal by the Council and has not, as such, been put to me specifically as a consideration by the Parish Council, which acknowledges that, in procedural terms, it now still has some way to go as a consequence of the Examiner's report preventing it from being made, ultimately, as a consequence of a successful referendum.

89. Although I have read that report and am aware of its content, conclusions and recommendations, its merits are not a matter for me and I can accord it only limited weight as a material consideration in any event, as is the case with the emerging Neighbourhood Plan itself, notwithstanding what the Parish Council considers to be the unusual circumstances. The Neighbourhood Plan does not yet form part of the development plan, there are unresolved objections to it and its final content has yet to be resolved following a further examination.

90. My responsibilities are distinct from those of the examiner who will, in due course, conduct a fresh examination and report whether the basic conditions are met, in which case the way forward to a referendum would be cleared. In order to meet the basic conditions the making of the Neighbourhood Plan must be in general conformity with the strategic policies contained in the development plan for the Preston administrative area and it is the examiner's responsibility to assess whether or not that is the case. I, on the other hand, am charged with the responsibility of determining both appeals A and B now, in accordance with usual practice (in the knowledge that both appellants themselves recognise that their proposals conflict with both Policy 1 of the Core Strategy and Policy EN1 of the Local Plan) in the light of the evidence before me. But I see no justification in relevant policy or guidance for delaying those decisions as Mr Brown requests.[31] Such an approach, in principle, would have significantly deleterious implications for the efficacy of the appeals system.

[31] ID16 paragraph 27.0

91. The aims of the emerging Neighbourhood Plan are spelt out in the latest draft.[32] These are tenfold and in summary are as follows:- retention of rural setting; appropriate scale of development; appropriate form and location of housing development; support for local businesses; vibrant local centre; conservation of heritage and improvement of environment in light of the removal of through traffic; enhanced leisure and recreation; promotion of health and well-being; successful integration of major new housing on the southern and eastern edges of the plan area (i.e. the parish as opposed to the village core); and the safeguarding of the qualities of the surrounding countryside.

92. Insofar as those general aims pull in the same direction as development plan policy which the Council and the appellants acknowledge to be offended by the appeal proposals (notably Core Strategy Policy 1 and Local Plan Policy EN1), or which I have otherwise concluded to be at least potentially at variance in principle with what is proposed (notably policy EN4), then I consider them to reinforce such policy intentions. However, insofar as specific policies and proposals in the Neighbourhood Plan still have some way to go before being incorporated into the statutory development plan, the weight, as the local planning authority acknowledges,[33] remains limited nonetheless. Moreover, pending the Neighbourhood Plan being formally made, a supply of only three years deliverable housing sites continues to engage the "tilted balance" set out in paragraph 14 of the Framework.[34]

93. All in all, and notwithstanding the progress made and the effort undertaken by all concerned, I am constrained to give limited weight only to any conflict with the aims of the emerging Neighbourhood Plan per se.

Considerations ***specific to Appeal A***

94. The final main issue I have identified concerns site-specifics and the following paragraphs therefore refer exclusively to Appeal Site A unless I indicate otherwise.

95. Situated on the south-west margin of the settlement, this elongated site wraps around the site of the high school and stands clear of Bank Hall and Bank Hall Farmhouse in deference to the listed status of the farmstead. Vehicular access would be taken from Sandy Gate Lane to the south of the high school entrance. The overall site size, the number of houses proposed and the illustrative plan all point to a comparatively low density scheme (circa 15 dwellings per hectare overall[35]) with ample scope for generous gardens, open space to contain the proposed alternative route for the Guild Wheel through the site, retention of existing trees and generous landscaping.

96. The main public prospects of the site would be from Sandy Gate Lane itself, the high school and its grounds, the Guild Wheel along their common boundary with the site and its continuation southwards towards Preston as far as the rail overbridge. From all these points it appears part of quite an open, pastoral landscape on the fringe of the built up area of the village, albeit of relatively limited scenic quality in itself in my estimation. There would be a limited

[32] CD17 paragraph 5.2
[33] TSoCG paragraph 2.35
[34] *Richborough Estates and others v Secretary of State for Housing, Communities and Local Government* [2018] EWHC 33 (Admin) - (Case concerning Written Ministerial Statement of 12 December 2016).
[35] Calculated on basis of application form

potential view of built form from the A6 Garstang Road, but this would be considerably mitigated by distance across intervening land and existing vegetation.

97. I am conscious that the evidence base of the emerging Neighbourhood Plan includes a landscape/visual appraisal of potential small-scale housing sites published in October 2017[36] and that, within this, Site L comprises the north-western extremity of the appeal site at Sandy Gate Lane and refers to openness as part of an agricultural landscape co-incident with the impression I have formed. Although this contributes to its relatively low ranking as a potential housing site, it is conceived of as a different, smaller, denser (25 dwellings per hectare assumed) site with less scope overall for mitigation of impact at the site margins through design and landscaping or provision of a comparably improved alternative route for the Guild Wheel at this location. Moreover, it has been produced for comparative purposes in the context of the emerging plan to which I can accord only limited weight and is of correspondingly limited assistance in the determination of this appeal.

98. The character and appearance of the appeal site and its immediate environs as open countryside on the rural fringe of the village would of course be changed and influenced by the proposed development, as must always be the case when greenfield land such as this is developed. However, the illustrative layout demonstrates that (with a modicum of adjustment) it should be possible to develop the site in a manner which, given its comparatively low density, is sensitive to its location on the rural fringe of the village and, if housing development is to be permitted in principle at this location, I would consider such an approach to be fundamental to its acceptability, even if that were ultimately to reduce numerical housing delivery at reserved matters stage.

99. It seems to me that this site, whilst carefully configured with the aims, amongst others, of preserving at least some of the setting of Bank Hall Farmhouse and standing back from the A6 Garstang Road, is at a critical point of transition between Broughton and the more obviously rural area to the south as far as the M55. Moreover, it sits within the defined Area of Separation (subject to Local Plan Policy EN4 pursuant to the principle stablished in Core Strategy Policy 19) between Broughton and houses recently constructed on the large area being developed on the allocated sites at North West Preston. In winter these are visible from the northern margins of the site in the distance beyond the motorway, albeit in the absence of details it is unclear to what extent landscaping as part of that development would obscure their visibility in due course.

100. In summer, I would anticipate that the overlap of trees and hedgerows across the intervening landscape would reduce if not altogether obscure them from the margins of Broughton in any event, but a strong southern boundary to the proposed development would be required to mitigate intervisibility between Broughton and the neighbouring city, so as to at least visually maintain the function of the Area of Separation in protecting the identity and distinctiveness of the settlements, thereby retaining a perception that Broughton is separated from Preston by an appreciable swathe of countryside rather than simply the motorway itself.

[36] ID12

101. Although the absolute extent of the Area of Separation would be reduced, there is nonetheless considerable scope for mitigation of harm to its fundamental intentions in the context of a well-conceived layout that is not overly ambitious in terms of housing density. Such a scheme would tend to accord with the analysis set out in the officer's report, thereby reducing, albeit not eliminating altogether, conflict with the policy intention of protecting identity and distinctiveness. Users of the Guild Wheel and any other routes across the intervening remaining countryside between the settlements would retain a sense of departure and arrival, plus some sense of rurality within the remaining Area of Separation.

102. I am required by reason of the primary legislation[37] to pay special attention to the desirability of preserving the setting of Bank Hall and Bank Hall Farmhouse. Insofar as this plainly includes the farmland generally surrounding them as the context in which they are experienced, the appeal site would undoubtedly alter it. I do not entirely agree therefore with the submitted heritage statement which concludes that the "application site is located outside of the heritage asset's setting".[38] The heritage asset is plainly visible across the application site from the north where the Guild Wheel passes closest to it, certainly in winter when hedgerow vegetation is less effective, albeit that within a farming landscape the planting of a woodland can reduce the physical extent of such a setting in the normal courses of events. That is part of the normal evolution of the setting and has little impact on significance, much of which derives in this case from internal features in any event. Nevertheless, loss of perceptible agrarian setting would be a negative outcome in terms of the setting of the farmstead and would to some extent diminish its significance.

103. That said, I am satisfied that a more robust approach to the landscaping of the area between the heritage asset and the nearest section of the Guild Wheel than is indicated on the illustrative plan referenced 1575-801 would substantially assist in preserving the setting and mitigating what I would consider to be less than substantial harm to its significance in terms of the objectives of paragraph 134 of the Framework, specifically, and the similar intention of the development plan through Policy 16 of the Core Strategy and Policy EN8 of the Local Plan; albeit the former is not entirely consistent with the relevant paragraph of the Framework, which requires a balance of harm against public benefits. I am, moreover, satisfied that the determination of reserved matters is potentially capable of being an adequate safeguard in these respects.

104. It is common ground[39] between the Council and the appellant that there are no irresolvable objections to the proposed development on grounds of landscape or visual impact, ecology, highways or flood risk and drainage considerations. I have no authoritative evidence sufficient to gainsay that position, albeit many concerns raised by local residents are in respect of such matters. In particular there is a concern over highway safety and congestion bearing in mind the proximity to the high school. However, it seems to me that such congestion as does occur is a consequence of parental behaviour in using cars to pick up and drop off children at school times. This is a widespread tendency throughout the country, ultimately resolvable, if persistent, only by

[37] Planning (Listed Buildings and Conservation Areas) Act 1990 s66(1)
[38] Paragraph 4.1 of the submitted statement
[39] SoCG (A)

specific local management measures. The highway authority is in any event clear that the proposed access arrangements are safe and that residual network effects are in principle acceptable. They would certainly not be severe such as to justify refusal on the basis set out in paragraph 32 of the Framework.

105. Logically, given the proximity of the site to the school, there is unlikely to be significant additional parking pressure around the school arising from the proposed development and I am content that the interaction of the proposed access with the existing route of the Guild Wheel and the alternative put forward within the application site would, in principle, be acceptably safe. Moreover, the provision of the alternative proposed would obviate the necessity for users of the Guild Wheel to share the access to the high school - an attribute which I consider would make a positive contribution to highway safety. Ultimately it is the responsibility of all – motorists, cyclists and pedestrians – to interact safely with each other, within the confines of shared infrastructure where that is necessary, and there is nothing inherently unusual or unsafe about the arrangements proposed here to assist that process.

106. Nor do I accept that the enjoyment of the Guild Wheel would be significantly curtailed by what is proposed. A significant rural stretch would remain immediately south of the appeal site. Furthermore the existing Guild Wheel route between the site and the high school initially shares the access of the latter, is narrow, confined in nature, unlit and subject to angular turns. The alternative proposed, although characterised by the housing proposed primarily to the south of it, would nevertheless be gently curving, lit, and (as illustrated) significantly enhanced by potentially pleasant associated landscaping and open space. In the context of the varied nature of the route as a whole, I cannot accept that this would be a significantly harmful proposition. On the contrary, it has the potential to offer a significant improvement to a short stretch of this important local routeway.

107. Overall, for the above reasons, I consider the site-specific characteristics of the proposed development to be well conceived if only largely illustrative at this stage. The proposed development does have the potential to cause a degree of environmental harm insofar as it impinges on the setting of a listed building, albeit that can be largely mitigated through layout and design. Clearly it would involve the loss of open pasture at the fringe of the village but I have no persuasive evidence to suggest that this is valued landscape in the terms of paragraph 109 of the Framework and it is not best and most versatile agricultural land.

108. There is plainly a conflict with the intentions of Core Strategy Policy 1 and Local Plan Policy EN1, as previously explored. Moreover, the proposed development would conflict to a degree, in my view, with the intentions of Local Plan policy EN4 concerning maintenance of an area of separation, albeit the impact of that is susceptible to potentially significant reduction through careful detailed design, such that the perception of prospective merger with Preston and consequent loss of community identity could be mitigated to within acceptable limits. Conflict with development plan intentions is clearly a form of harm within a genuinely plan-led system which has to be set against other material considerations.

109. The weight to be accorded to the harms I have identified is a matter to which I return in the planning balance.

The planning obligation

110. The agreement entered into is a simple form of obligation which would over an appropriate timescale mitigate the impact of the development on the local primary school, provide for the encouragement of sustainable transport habits and deliver 35%[40] of the housing as affordable housing in accordance with development plan policy.

111. All the obligations in the document are necessary, proportionate and directly related to the proposed development and, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, I am therefore able to accord them weight in my decision. I have not been advised of any prospective breach of Regulation 123 regarding pooled contributions.

Conditions

112. Leaving aside the main issues, and the scope of the planning obligation to mitigate certain impacts of the development, I am conscious that many other matters raised by individual local residents and the Parish Council in connection with the outline application subject to appeal are capable of being addressed by conditions or otherwise taken into account at reserved matters stage.

113. The Council suggested a range of potential planning conditions (SC)[41] which were discussed at the inquiry. Although I consider them to be necessary and otherwise appropriate in the light of relevant policy and the Planning Practice Guidance, a number are complicated in expression to the extent that it would potentially reduce their robustness and efficacy; and it was agreed that simplification and/or closer adherence to established model conditions would be required in the event of the appeal being successful, as would the removal of duplication.

114. SC1 - SC3 relate to the definition and timescale for submission of reserved matters, the life of the outline permission sought and its definition by reference to specified drawings in the conventional fashion but would require some re-ordering and rewording as 4 separate conditions.

115. It was agreed that it would be necessary to define the permission not only by reference to plans but by specifying the maximum number of dwellings (97) to be constructed on the site. Over and above the need to define the permission with clarity and certainty, my additional reasons for considering such a condition to be necessary in this case are referred to in my reasoning.

116. SC4 and SC13 represent unnecessary duplication bearing in mind that a standard form of condition to control construction methods could be imposed, suitably adapted to encompass these and associated environmental pollution risks more efficiently and comprehensively.

[40] c/f erroneous reference to 30% at paragraph 6.5 of Mr Sedgwick's evidence
[41] ID20a

117. SC5 concerns the potential for parts of the site to be contaminated for one reason or another but is excessively complicated. It was agreed that it would need to be simplified.

118. SC6 and SC7 concern the implementation of highway works and the proposed alternative route for the Guild Wheel and would be, subject to some re-wording, necessary.

119. SC8 concerns the submission and approval of a travel plan to encourage sustainable travel habits from the outset. It was therefore agreed that the proposed threshold of occupation would be irrelevant and that the travel plan would need to be in place prior to any dwelling being occupied.

120. SC9 concerns wheel cleaning of construction vehicles and would most appropriately be incorporated in the construction method statement previously referred to.

121. SC10 – SC12 variously concern foul and surface water drainage but are excessively and unnecessarily complex. A much simpler approach is to be preferred and the use of sustainable urban drainage principles in the case of the surface water arrangements should be maximised. SC14 would be necessary because Site A has the potential to affect an aquifer if piling or other penetrative foundation techniques are used.

122. SC15 would also be necessary in the case of Site A because the detail of managing and maintaining open space is not otherwise provided for in the planning obligation.

123. SC16, SC17 and SC18 would be required in the interests of maintaining and enhancing biodiversity.

124. SC19 and SC20 would be required to promote energy efficiency and encourage and facilitate more sustainable travel in accordance with local and national policy objectives, including, respectively Policy 3 and Policy 27 of the Core Strategy and, bearing in mind the spirit of the Written Ministerial Statement of 25 March 2015, the requirement in respect of equivalence to Code Level 4 is a reasonable one.[42]

125. Logically, and for consistency, a condition equivalent to SC10 proposed by the Council in the case of Appeal B, to ensure that management and maintenance of the estate roads is put on a proper footing, would be required.

126. Finally, I consider, and it was agreed, that a condition to protect trees on the site, equivalent to that proposed by the Council in the case of Appeal B, would also be necessary.

Planning balance and overall conclusion

127. The proposed scheme of housing development clearly conflicts with the intentions of the adopted development plan in a number of respects as I have explained. But that of course is not the end of the matter, bearing in mind the

[42] Policies requiring compliance with energy performance standards that exceed the Energy requirements of Building Regulations can be applied until commencement of amendments to the Planning and Energy Act 2008 in s43 of the Deregulation Act 2015 (not yet in force). At this point the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced conditions should not set requirements above a Code level 4 equivalent.

powerful material consideration of the Framework and, more specifically its explicit intention to boost significantly the supply of housing.

128. Although the policies with which the proposed development conflicts are not policies for the supply of housing as such and may be accorded weight as adopted policies of the development plan, even in circumstances of housing land shortage, by contrast with those of the yet-to-be-made Neighbourhood Plan to which I can accord only limited weight, there are significant benefits potentially arising from the development and a more rounded assessment is required, bearing in mind that application of such policies with full rigour could have the effect of frustrating that important intention of the Framework concerning housing supply.

129. The economic benefits of new housing development are well appreciated, both in terms of the direct stimulus to the local economy and in terms of indirect benefit to local enterprise requiring a local labour force. Moreover, I am persuaded that, more probably than not, the new housing proposed will have positive consequences for local businesses and the provision of services in the village centre. It is logical that should be so, given the increased customer base, not least in the context of consequential and potential improvements facilitated by the removal of through traffic on the A6 Garstang Road. It is, moreover, logical that the cumulative effect of both appeal proposals A and B would be commensurate in terms of that particular benefit.

130. Bearing in mind the potential for biodiversity enhancement at the detailed design stage, the environmental impacts are broadly neutral in the balance. Clearly there would be loss of open pasture to the south of the village and some reduction, in absolute terms, in the actual separation from Preston and perception of that, but much can be done, in all the circumstances, to effectively mitigate the latter. Impact on the setting of Bank Hall and Bank Hall Farmhouse could be effectively mitigated at reserved matters stage and the harm to its significance would be not only less than substantial but markedly at the lower end of that spectrum of harm in, my assessment, and falls to be weighed against the public benefits of the development in any event.

131. In social terms, these benefits would be substantial. Open market housing is needed but more particularly it is clear from the evidence[43] that in this locality, as in many places, the provision of a significant amount of affordable housing is a benefit to which very considerable weight should be given.

132. I am also conscious that, notwithstanding local opposition to the development on a variety of planning grounds considered above or otherwise capable of being addressed through condition or obligation, there is a lack of objection from consultees other than the Parish Council[44] and that the Council's single reason for refusal has not, in the event, been sustained.

133. Given those circumstances, the statutory presumption in favour of the development plan must be seen in the light of the material considerations in favour of the proposal and on the ordinary balance of planning advantage (in the context of a shortfall of deliverable housing sites) I am clear that I would consider them to favour the grant of planning permission.

[43] Evidence of Mr Sedgwick but more particularly the evidence of Mr Harris for Appellant B (paragraphs 7.1 – 7.32)
[44] CD4 paragraph 3.5

134. In this case, however, the concessions by the Council regarding its supply of deliverable housing sites and the effectively uncontested evidence of the appellant in that regard, both in respect of this appeal and Appeal B, demonstrate not only that paragraph 49 of the Framework is engaged but that the shortfall of deliverable housing sites vis-à-vis the five year requirement is currently severe. The application of the 'tilted balance' of paragraph 14 is therefore central to my overall conclusion on the merits of this case.

135. Paragraph 14 is to the effect, amongst other things, that permission should be granted 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, or specific policies therein indicate that development should be restricted.

136. For all the reasons I have given, I consider there would be no adverse impacts sufficient to do that, especially bearing in mind the severity of the demonstrated shortfall of deliverable housing sites; and there are no specific policies of restriction to be applied in that sense.

137. Having taken all other matters raised into account, I therefore conclude that, on the evidence relevant to both appeals A and B, and on its specific individual merits, this appeal should be allowed.

Keith Manning

Inspector

Annex: Schedule of Conditions

1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (dwg. LOCA001); Proposed Site Access (dwg. PB5008/SK003 A).

5) The development hereby permitted shall be limited to a maximum of 97 dwellings.

6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

iv) the erection and maintenance of security hoarding/fencing including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;

vi) measures to control the emission of dust and dirt during construction;

vii) a scheme for recycling/disposing of waste resulting from construction works;

viii) delivery and construction working hours.

ix) Protection of surface and groundwater resources

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7) No development shall take place until a contaminated land assessment, including a site investigation and remediation scheme (if necessary) has been submitted to and approved in writing by the local planning authority. Any remediation scheme so required shall be implemented as approved and, in the event of such a scheme being required, no dwelling hereby approved shall be occupied until a contaminated land closure report has been submitted to and approved in writing by the local planning authority.

If during any subsequent works contamination is encountered that has not previously been identified, then such contamination shall be fully assessed and a remediation scheme shall be submitted to the local planning authority for approval in writing. Any remediation scheme so required shall be implemented as approved and, in the event of such a scheme being required, any of the dwellings hereby approved that have not already been occupied shall not be occupied until a contaminated land closure report has been submitted to and approved in writing by the local planning authority.

8) No development shall take place until the detailed construction designs and a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in writing. Thereafter, no dwelling shall be occupied until all the highway works within the adopted highway have been constructed in accordance with the approved construction designs and scheme.

9) No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and a maintenance company has been established.

10) No development shall take place until a fully detailed scheme for the construction of the "Alternative Guild Wheel Cycle Route" (as indicated on the Illustrative Layout Plan, drawing 1575−801 G) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation and shall be carried out in accordance with the approved details.

11) No dwelling shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 12 months for a period of 5 years after the adoption of the Plan to ensure that the approved plan is carried out in accordance with its approved provisions.

12) No development shall take place until a detailed scheme for surface water drainage incorporating sustainable urban drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall include detailed management and maintenance arrangements for the lifetime of the development and shall be implemented in accordance with the approved details.

13) No development shall take place until a detailed scheme for foul water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

14) No piling or any other foundation designs using penetrative methods shall take place other than with the express written consent of the local planning authority. Any such operation shall only be carried out fully in accordance with the detailed terms of any express consent granted.

15) No dwelling shall be occupied until a maintenance and management plan for the public open space within the site (as indicated on the Illustrative Layout Plan, drawing 1575−801 G and/or embodied in any reserved matters approval) has been submitted to and approved in writing by the local planning authority. The maintenance and management plan shall include provisions to ensure that the public open space is maintained and managed to reduce the possibility of pollutants entering groundwater and the risk to public water supply. The public open space shall be managed and maintained in accordance with the approved management plan for the lifetime of the development.

16) The development hereby approved shall be carried out in accordance with the recommendations of the Ecological Survey and Assessment by ERAP Ltd (Ref: 2014_208, May 2016), the accompanying Method Statement and the Reasonable Avoidance Measures therein.

17) There shall be no works to trees or vegetation clearance works between 1st March and 31st August in any year unless a detailed bird nest survey has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, and this has been agreed in writing by the Local Planning Authority.

18) Prior to the erection of any external lighting an external 'lighting design strategy' shall be submitted to the local planning authority for approval in writing. The strategy shall identify areas/features on site that are

potentially sensitive to lighting for bats and show how and where the external lighting will be installed (through appropriate lighting contour plans.) All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy and thereafter maintained in accordance those approved details.

19) No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the development can achieve energy efficiency standards equivalent to Level 4 of the Code for Sustainable Homes. The development shall thereafter be carried out in accordance with the approved scheme.

20) Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

21) The development hereby approved shall be carried out in accordance with the recommendations of the Tree Survey by Appletons dated 16 February 2016 submitted with the application. No development shall begin until details of the means of protecting trees and hedges within and immediately adjacent to the site, including root structure, from injury or damage prior to development works have been submitted to and approved in writing by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out and retained during building operations and furthermore, no excavation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.

* * *

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Alan Evans of Counsel

He called	Michael Molyneux BA MSc BTP MRTPI Head of Planning Policy

FOR THE APPELLANT:

Ian Ponter of Counsel

He called	Ben Pycroft BA (Hons) Dip TP MRTPI Associate Director, Emery Planning
	Paul Sedgwick DipTP Principal, Sedgwick Associates

FOR BROUGHTON PARISH COUNCIL:[45]

Patricia A Hastings
BSc RN RM RNT PGDip Ed
(Chairperson)

She called	David R Mills, Parish Councillor Leslie R Brown, Local Resident Patricia A Hastings (in her own capacity as witness)

INTERESTED PERSONS:

Councillor Neil Cartwright	Ward Councillor
Tim Brown BA MRTPI	tb Planning

INQUIRY DOCUMENTS

ID1	Draft planning obligation (Appeal A)
ID2	Statement of Common Ground (Appeal A)
ID3	Opening Statement (Appeal A – Hollins Strategic Land)
ID4	Opening Statement (Appeal B - Wainhomes)
ID5	Letter dated 19/12/2014 from Brandon Lewis MP (then Minister of State for Housing and Planning) to PINS
ID6	Officer report to Joint Advisory Committee on resumed examination of Central Lancashire Core Strategy
ID7	Central Lancashire Authorities Publication Core Strategy DPD,

[45] Broughton In Amounderness Parish Council is the full and formal title

	Inspector's Report – May 2012
ID8	Proof of Evidence of Michael Molyneux BA MSc BTP MRTPI re APP/N2345/W/15/3007033
ID9	Opening remarks of Preston City Council
ID10	Opening Statement by Parish Council
ID11a	First draft of suggested conditions (Appeal A)
ID11b	First draft of suggested conditions (Appeal B)
ID12	Broughton-in-Amounderness Neighbourhood Plan: Landscape visual appraisal of small-scale housing sites (October 2017)
ID13	Letter dated 07/09/2017 from Ben Wallace MP to Mr Leslie R Brown
ID14	Internet article on housing development and traffic congestion in North West Preston – Lancashire Evening Post
ID15	'Blog' regarding operation of new Broughton Bypass
ID16	Statement of Tim Brown BA MRTPI
ID17	Statement of Councillor Neil Cartwright
ID18	Nos. 40 & 41 bus timetable
ID19	No 4 bus timetable
ID20a	Second draft of suggested conditions (Appeal A)
ID20b	Second draft of suggested conditions (Appeal B)
ID21	Parish Council's Closing statement
ID22	Closing statement (Appeal B - Wainhomes)
ID23	Closing statement (Appeal A – Hollins Strategic Land)
ID24	Costs application (Appeal A – Hollins Strategic Land)
ID25	Costs application (Appeal B - Wainhomes)

CORE DOCUMENTS

CD1. Wainhomes - Committee report 15th June 2017

CD2. Wainhomes - Minutes of Committee 15th June 2017

CD3. Wainhomes - Decision Notice

CD4. Hollins Committee report

CD5. Hollins Minutes of Committee

CD6. Hollins Decision Notice

CD7. Central Lancashire Core Strategy

CD8. Preston Local Plan

CD9. Affordable Housing SPD October 2012

CD10. 2017 Housing Land Position Statement (base date 30th September 2017)

CD11. 2009 SHMA

CD12. 2013 Housing Needs and Demand Study

CD13. 2017 SHMA

CD14. Draft Broughton Neighbourhood Plan March 2017

CD15. Submitted Broughton Neighbourhood Plan

CD16. Examiners Report Broughton Neighbourhood Plan September 2017

CD17. Broughton Neighbourhood Plan October 2017

CD18. BNDP representation Emery Planning/Wainhomes

CD19. BNDP representation Sedgwick Associates/Hollins

CD20. National Planning Policy Framework

CD21. Suffolk Coastal District v Hopkins Homes & Richmond Estates Partnership LLP v Cheshire East Borough Council [2016] EWCA Civ 168

CD22. Suffolk Coastal District v Hopkins Homes & Richmond Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37

CD23. 3167436 Appeal at Garstang Road, Barton, Preston

CD24. 3160927 Appeal land at Pudding Pie Nook lane, Broughton, Preston

CD25. 3130341 Appeal Land off Garstang Road, Barton, Preston

CD26. 3007033 Appeal land at Preston Road, Grimsargh, Preston

CD27. "Fixing our broken housing market" Housing White Paper February 2017

CD28. 3173275 Appeal Land at Pear Tree Lane, Euxton, Chorley

CD29. St Modwen Developments Ltd v East Riding of Yorkshire Council [2016] EWHC 968

CD30. St Modwen Developments Ltd v East Riding of Yorkshire Council [2017] EWCA Civ 1643

CD31. Oadby & Wigston Council v Bloor Homes Ltd [2016] EWCA Civ 1040

CD32. 2200981 & 2213944 Appeal Land to the East and West of Brickyard Lane, Melton Park, East Riding of Yorkshire

CD33. City & District of St Albans v Hunston Properties Limited [2013] EWCA Civ 1610

CD34. Preston City Council Cabinet, 19 September 2017, Minute 42

CD35. "Planning for the right homes in the right places: consultation proposals", DCLG, September 2017

CD36. 3165490 Appeal Land to the south of Dalton Heights, Seaham, Co Durham

CD37. Communities and Local Government Select Committee, Oral Evidence, HC 494, 1 November 2017

CD38. Zurich Assurance v Winchester City Council and South Downs National park Authority [2014] EWHC 758

CD39. Planning Advisory Service online; pas-topics/local-plans/five-year-land-supply-faq#15

CD40. 3165930 Appeal land north and east of Mayfields, The Balk, Pocklington, East Riding of Yorkshire

CD41. Preston Local Plan Inspector's report, June 2015

CD42. Schedule of volume housebuilder, HCA and strategic land company sites, Preston, October 2017

CD43. Wainhomes - Planning, Affordable Housing, Heritage and Design and Access Statement

CD44. Hollins – Planning Statement

CD45. Wainhomes Landscape and Visual Impact Assessment

CD46. Wainhomes Layout

CD47. Memorandum of Understanding Between Preston, South Ribble and Chorley.