

PLANNINGSTATEMENT

JANUARY 2023

www.njlconsulting.co.uk

Signing off Sheet

Client: Hollins Strategic Land
Project: Land West of Garstang Lane, Broughton
Document: Planning Statement
Date: January 2023
Ref: 2022-031

Stage	Prepared by	Checked by	Date	Signed
Draft	Rachel White	Mark Saunders	December 2022	

Final

Authorised for and on behalf NJL Consulting

Nick Lee
Managing Director

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party. Any such party relies on this report at their own risk.

© Report copyright of NJL Consulting

Contents

1.	Executive Summary	1
2.	Introduction	3
3.	The Site and Surrounding Areas	5
4.	Planning History	8
5.	Planning Policy Context	13
6.	The Changing Nature of Broughton	17
7.	The Revised Proposals	19
8.	Assessment of the Proposed Development	22
9.	Technical Assessment.....	43
10.	Conclusion	47

Tables

Table number	Content
1	Application Plans
2	Documents submitted as part of the previous application
3	Summary of statutory comments received through previous application
4	Summary of stakeholder comments received through previous application
5	Settlement growth
6	Comparison of services in settlements
7	Projected population change for older people in Preston (2018-2038) Taken from the Icen Housing Study 2020
8	Change in Household Types in Central Lancashire (2018-2038) Taken from the Icen Housing Study 2020.
9	Demographic projections for Preston City Council Area
10	Surplus and Demand of specialist Housing within Preston in the years 2018 and 2036 taken from the Central Lancashire Housing Study prepared by Icen, 2020

Figures

Figure Number	Content
1	Site Location Plan
2	Map showing the location of EN1 and EN4 designations
3	Map showing the evolution of built form in Broughton
4	Proposed site layout
5	Map showing Central Lancashire – Nationally Significant Constraints

6	Population Change in Preston 2001- 2038
7	Map showing the location of EN1 and EN4 designations
8	Population Age profile in Central Lancashire
9	Heat Map of affordability in Central Lancashire

Appendices

- Appendix 1** – Planning Policy Schedule
- Appendix 2** – Planning Committee Report
- Appendix 3** – Appeal Decisions Library

1. Executive Summary

1.1 This Planning Statement is prepared on behalf of Hollins Strategic Land to support the revised submission for development on land West of Garstang Road, Broughton.

1.2 The previous application was refused by the Council in January 2022. This application constitutes a re-submission under the 'free go'. The application was refused on the following grounds;

The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.

1.3 Despite the Council refusing the scheme, there were a number of areas which were agreed in principle through the determination of the previous application and are set out in the officer report which remains a material consideration for this application. These were:

- The proposal would have no impact on the strategic area of separation
- The proposals would not harm the surrounding landscape character
- There would be no harm to heritage assets arising from the proposals
- The surrounding highways network has capacity to accommodate the proposals and the proposed access arrangements are acceptable in principle
- The landscaping scheme would promote sufficient buffer zones and offsetting to protect the surrounding landscape areas
- A biodiversity net gain of over 33% could be achieved on site

1.4 These technical matters form the basis of the revised submission. The amendments to the scheme relate solely to the change in tenure proposed as part of the residential development. as such, the revised application comprises the introduction of homes for the over 55's and self-build plots.

1.5 The application seeks to respond to the reason for refusal issued by the Council and sets out the following arguments:

1. Broughton as a settlement has changed considerably since the adoption of the Development Plan. It now, more than ever, represents a sustainable location for growth and this has been confirmed by the Inspector and the Council themselves.

2. Whilst Broughton is at the lower end of the settlement hierarchy (in the adopted Local Plan) as set out in point 1, it still constitutes an appropriate location for growth. Furthermore, other settlements within the same classification have undergone considerable growth and expansion over the plan period suggesting that the hierarchy does not reflect the current situation.
 3. The revised settlement hierarchy outlined in the Emerging Local Plan takes account of the changes in Broughton and re-classifies it as a 'Local or Rural Centre'.
 4. The growth experienced within Broughton has overtaken all other settlements studied, suggesting that the settlement better represents a higher order settlement.
 5. The proposed development would not have any impact on the area of separation, or the open countryside as agreed by the Council and statutory consultees.
 6. Using the Neighbourhood Plan narrative, the site would follow the same logic that was used by the Parish to allocate sites for development given its minimal impact on the area of separation and the 'rounding off' of the settlement boundary.
 7. Notwithstanding the allocation of the site under Policy 1 of the Core Strategy, there are limited opportunities for development where it responds to an identified need.
 8. The proposed development has been amended to incorporate specific accommodation types which respond to the localised need for affordable rented products, housing for the over 55's and self-build plots.
- 1.6 On the basis of the above, it is our view that the proposed development responds intrinsically to an identified local need by providing affordable homes, self-build plots and over 55's accommodation.
- 1.7 The proposed development would also commit to providing accessible and adaptable dwellings in line with emerging standards, and would assist in accommodating for residential need for specific population groups.
- 1.8 The proposed development, whilst accommodating growth in a lower order settlement, would not result in a material change in the character of Broughton, and would allow it to continue to function as a 'nucleated' settlement. Furthermore, this limited development would promote the vitality and sustainability of Broughton as a rural settlement which would accord with the aspirations of the NPPF.
- 1.9 Overall, the content of the proposed development present significant benefits which should outweigh the perceived harm to the incompliance with the settlement hierarchy. Conflict with policy, being outside the settlement boundary, does not necessarily mean that significant planning harms arise particularly when the settlement boundaries have been overcome with events.

2. Introduction

2.1 This planning statement is prepared on behalf of Hollins Strategic Land (the applicant) to support a revised submission for development on land west of Garstang Road, Broughton (the site).

2.2 This application supports the submission of an Outline Planning Application to Preston City Council for the proposed works:

Outline planning application seeking approval for access only for residential development for up to 51 no. dwellings (including 40% affordable housing, First Homes, accommodation for over 55's, accessible and adaptable wheelchair provision and self-build plots) with associated works (all other matters reserved)

2.3 The application follows a refusal by Preston City Council in January 2022 (reference 06/2021/1104). The revised application is submitted within the 12 months following the initial decision, therefore qualifying for the 'free go'¹ (as established under paragraph 40 of the Planning Application Fees guidance). A full overview of the refused application, and how the scheme has been amended is provided later through this report.

2.4 This report sets out the proposed development, assesses it against the relevant planning policies, guidance and material considerations and confirms acceptability of the scheme.

2.5 The report is structured as follows:

- **Section 2** gives an overview of the site and surrounding areas
- **Section 3** Outlines the planning history
- **Section 4** sets out the Development Plan
- **Section 5** gives an overview of the changing nature of Broughton
- **Section 6** details the revised proposals
- **Section 7** sets out the case for development
- **Section 8** provides the technical assessment
- **Section 9** concludes the report

¹ <https://www.gov.uk/guidance/fees-for-planning-applications>

Supporting Documents

2.6 This application is supported by the following drawings:

Drawing	Consultant
Site Location Plan	Hollins Strategic Land
Proposed Access Plan	Stantec
Indicative parameters plan	The Urbanists

Table 1: Application Plans

2.7 A suite of technical documents is also submitted to support the proposals. These are summarised in the table below:

Document	Consultant
Agricultural Land Classification	Soil Environment Services Ltd.
Biodiversity Net Gain Assessment	ERAP
Design and Access Statement	Sedgwick Associates
Ecological Assessment (December 2022)	ERAP
Flood Risk Assessment	Enzygo
Heritage Assessment	Kathryn Sather and Associates
Landscape and Visual Assessment	SLR
Phase 1 Desk Study	Brownfield Solutions
Transport Statement (December 2022)	Stantec
Tree Report	AWA Tree Consultants
Utility Search Report	Brownfield Solutions

Table 2: Application Documents

2.8 This application contains all the documentation required to meet the national and local validation requirements.

3. The Site and Surrounding Areas

The Site

- 3.1 The site comprises a green field site located within the settlement of Broughton, Preston.



Figure 1: Site Location Plan

- 3.2 The site is located on the western side of Garstang Road, in the settlement of Broughton. To the north, the site is bound by built development of Broughton. To the south of the site is the access road to Bank Hall and Bank Hall Farm. This farm comprises three barns now converted into dwellings. Further south, is the Lancashire and Cumbria ambulance headquarters.
- 3.3 Further south of the site is the M55 which bisects the land between Broughton (to the North) and the wider Preston urban area to the South. The M55 provides a physical barrier between the two settlements.
- 3.4 The site has frontage along the whole of the eastern boundary onto Garstang Road. The proposed site access is also taken from Garstang Road.
- 3.5 The northern part of the western boundary would adjoin the recently consented development scheme at Sandy Gate Lane which is under construction. A full overview of this application is provided later in this statement.
- 3.6 The Guild Wheel, a designated cycle route, runs along the eastern boundary of the site and part of the northern boundary. The Guild Wheel is a circa. 20 mile long cycle way, running between Preston and Broughton, offering designated routes to cyclists to explore the wider area whilst also provide opportunities to connect to jobs, services, facilities and leisure.

- 3.7 A number of Public Rights of Way (PROWs) run around the vicinity of the site. These provide good permeability and access to the surrounding settlements, as well as providing accessibility to the open countryside beyond the wider vicinity of the site.
- 3.8 The site benefits from a relatively flat topography and is located within Flood Zone 1 and is therefore considered to be at the lowest risk of flooding.
- 3.9 The site is not located in a Conservation Area, nor does it contain any listed features. A number of listed buildings exist near the site. Bank Hall and Bank Hall Farm are Grade II listed. Other listed buildings include the Amounderness War Memorial, which is located close to the junction of Garstang Road and the access to Bank Hall.
- 3.10 These assets are considered a sufficient distance away from the proposed development to mean that listed building consent would not be required for the proposed development. However, to fully assess the heritage assets, Kathryn Sather Associates (KSA) have prepared a heritage assessment, which is discussed further in this statement.

The Surrounding Built Form

- 3.11 As outlined above, the site is situated within the settlement of Broughton. Broughton is a village in the borough of Preston with a population of circa. 1,500 people.
- 3.12 The built form comprises predominantly residential in the form of single and two storey properties.
- 3.13 A number of local amenities exist including schools (both primary and secondary), convenience shops, restaurants, cafes and pubs.
- 3.14 A number of development proposals have recently been approved within Broughton which are discussed in further detail throughout statement. These are material considerations.

Strategic Policy Designations

- 3.15 The application site is designated as 'open countryside' under Policy EN1 of the Preston Local Plan.
- 3.16 The application site is a green field site which is included as an Area of Separation as outlined by Policy EN4 of the Local Plan.

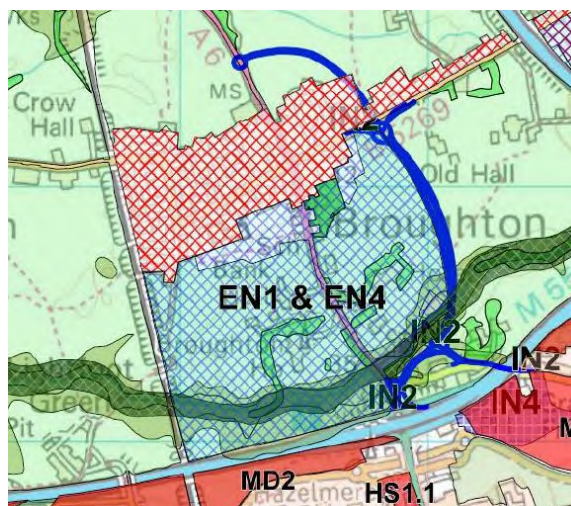


Figure 2- Plan showing designations of EN1 and EN4

- 3.17 The site is included within the Neighbourhood Plan Area but is not subject to any designations or allocations.
- 3.18 The site is not located within a key service area or in the Preston/South Ribble Urban area as outlined by Policy 1 of the Central Lancashire Local Plan.
- 3.19 The site is not listed and is not located within a Conservation Area.

4. Planning History

4.1 This application follows a recent refusal for development at the same site. The application was submitted by Hollins Strategic Land and refused by Preston City Council in January 2022.

4.2 The application sought consent for:

Outline planning application seeking approval for access only for residential development for up to 51no. dwellings with associated works (all other matters reserved)

4.3 Preston Council refused the application citing one reason for refusal. This was:

1. *The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.*

Case Officer Comments

4.4 Through the assessment of the previous application, the Case Officer made a number of observations and conclusions about the proposed development which remain material considerations in this re-submission application. The full committee report is included at Appendix 1. These are summarised below:

- In their view, the location of the development would not be in line with the spatial strategy set out in the Central Lancashire Plan.
- The proposed development would not have any impact on the Area of Separation.
- The open space proposed in the southern part of the site would successfully separate the site from existing buildings and the features within the public open space. This would complement the existing facilities on King George V playing fields to the north east of the site.
- The site is well contained visually so the proposals would not have any undue impact visually on the surrounding landscape.
- Residential development on a greenfield site within the open countryside, regardless of specifics must cause harm. In this instance, the harm would be mitigated by the site-specific conditions and mitigation is proposed. Therefore,

the proposals do not conflict with Policy 13 of the Core Strategy and Policy 21 of the Neighbourhood Plan.

- The parameters plan which was submitted through the application process confirmed that the development would not impact upon the setting of the surrounding listed buildings.
- Residential development has commenced at Key Fold Farm meaning that the site context is characterised by residential development.
- The proposed development would meet the policy requirements for affordable housing (35%). The type and tenure would be secured via a S106 agreement. The officer confirmed that this complied with the Affordable Housing SPD and the Core Strategy Policy 7.
- The proposal would provide 51 dwellings. Officers concluded that this was an appropriate development quantum for the site and agreed that the detailed design points could be agreed through a RM application.
- The application provides sufficient open space in line with Policy H3 of the Local Plan and Policy 17 of the Core Strategy.
- The application site is located a sufficient distance from any neighbouring properties to prevent unacceptable harm in terms of amenity.
- The proposed landscaping and open space would provide a sufficient off set to avoid any impact to dwellings located at the south west of the application site.
- Safe and effective access can be achieved into the site using a new access point on Garstang Road.

Consultation Comments

4.5 Through the determination of the application, a number of points were agreed with the Council and other statutory consultees. For clarity, these are summarised in the table below and further detail is provided in the technical assessment section of this report.

Consultee	Comment	Agreed?
United Utilities	No objection subject to appropriate conditions to control surface water management	Y
Natural England	No objection	Y
County Highways	Initially raised objections given the concern around the safe and suitable access to the site. However, this was addressed through the submission of further information.	Y

	On the basis of the amended details submitted through the course of the application, County Highways raised no objections subject to appropriate conditions being applied to any decision.	
Highways England	No objection subject to a condition requiring a travel plan.	Y
County Education	No objection subject to a S106 obligation to secure funding for additional school places.	Y
Greater Manchester Ecology Unit	No objection subject to conditions relating to tree protection measures, external lighting, vegetation clearance (and timing of this), and Amphibian Reasonable Avoidance Measures as well as submission of biodiversity enhancement measures.	Y
Environmental Health	No objection subject to following the recommendations of the Phase 1 Desk Study Assessment and the undertaking of a Phase 2 Geo-Environmental Site Investigation.	Y
Parks and Horticulture Service (landscape)	<p>The landscape team suggested that a number of objectives should be achieved:</p> <ul style="list-style-type: none"> - Respecting the setting of the listed buildings to the south of the site - Delivering significant biodiversity enhancements - Providing public open space - Accommodating sustainable urban drainage - Retention of existing trees and hedgerows on all boundaries (other than those affected by access) - Providing connection to the Guild Wheel <p>They suggested that the rural edge/leafy character of Broughton should be protected by widening the existing green frontage of the site, which would also respect the setting of the heritage assets.</p> <p>The open space should also separate the site from existing buildings.</p> <p>The open space consultees raised no objections to the proposed development. furthermore, the LPA did not cite an impact on the Area of Separation as a reason for refusal concluding that the scheme as previously</p>	Y

	submitted resulted in no/limited harm to the countryside and landscape.	
Waste Management	No objection subject to collection agreements and a Waste Management Plan	Y

Table 3: Summary of Statutory Consultee Comments

4.6 In addition to the statutory comments outlined above, a number of comments were made by residents and other stakeholders. These are summarised below:

Consultee	Comment
Broughton Parish Council	<p>Object to the development on the following grounds:</p> <ul style="list-style-type: none"> • The site is not designated in the Broughton Neighbourhood Plan; • The site is within the current "area of separation" – an area that Preston City Council have submitted for the revised Central Lancashire Core Strategy to be retained; • The site crosses the Guild Wheel/Garstang Road cycle track; • The proposed development will add traffic to Garstang Road that was narrowed and had a 20mph speed limit (currently unenforceable) when the bypass was built. The village centre has major parking issues already, and this will only exacerbate the issues; • The site is open countryside; • The adjoining sites off Sandy Gate Lane and opposite on Keyfold Farm were only granted planning permission on appeal as Preston City Council could not demonstrate a 5 year land supply – which they now can.
Right Honourable Ben Wallace MP	<ul style="list-style-type: none"> • The site is contrary to the Local Plan and the Broughton Neighbourhood Plan; • The site is not allocated for development; • The site is within the open countryside and Area of Separation; and • The open countryside/Area of Separation designation is important to ensuring the character of the village is maintained and not subsumed within north Preston.
Neighbour Comments	In total 10 objections were received, which commented on the following items:

	<ul style="list-style-type: none"> • Proposal is contrary to the Broughton Local Plan • Development would remove the last open space between Broughton and Fulwood • No more need for housing in Broughton • Loss of hedgerows and subsequent wildlife • Impact on highway safety • Impact on nearby heritage assets • The proposals fail to take into account the drainage culvert on the site • Detrimental impact on visual amenity • Lack of amenities within the village to cater for more residents
--	--

Table 4: Summary of Neighbour and Stakeholder Comments

- 4.7 Whilst it is noted that the application generated a number of public objections on the basis of the location of the development, a number of technical matters were agreed subject to the application of suitable conditions.
- 4.8 In considering this revised application, the previous position reached by the consultees constitutes a material consideration which must be awarded weight in the planning balance. Legal judgments confirm the importance of consistency in decision-making by local authorities but that decision-makers may depart from previous decisions if new information comes to light. Contextually, nothing has changed since the original application, so the conclusions of the reports, and the consultee liaison can be considered up to date and correct although there are a number of further material considerations and new evidence which have come to light since the determination of the original application which support the proposals. This is considered further in this Statement.

The Reason for Refusal

- 4.9 As set out above, Preston City Council cited one reason for refusal through their consideration of the previous scheme. This related to the proposed location for development, and the fact that Broughton is not an area identified for growth in the Central Lancashire Core Strategy.
- 4.10 The applicant addresses the extent of this perceived policy conflict and the significance of harm that can be attributed to it in Chapter 7 of this statement.

5. Planning Policy Context

The Local Plan

5.1 The Development Plan comprises the following documents:

- Central Lancashire Core Strategy
- The Preston Local Plan
- Broughton-in-Amounderness Neighbourhood Plan

5.2 The Development Plan documents seek to promote and direct growth within the borough of Preston to ensure a sufficient supply of housing and employment land, promote opportunities for growth and ensure well designed and resilient communities are developed.

5.3 A full overview of the relevant planning policies is provided in **Appendix 2**.

Supplementary Planning Documents

5.4 To support the Local Plan, Preston Council have adopted a number of supplementary planning documents. Of relevance to this proposal are the following documents:

- Biodiversity and Nature Conservation
- Central Lancashire Affordable Housing
- Central Lancashire Design Guide
- Central Lancashire Rural Development
- Waste Storage and Collection Guidance for Domestic and Commercial Developments

National Planning Policy Framework

5.5 The National Planning Policy Framework (NPPF) sets out the overarching planning policies from the Government. The NPPF was updated in 2021 and forms the overarching planning guidance in England.

5.6 The central aim of the NPPF and the planning system is highlighted in paragraph 7

'The purpose of the planning system is to contribute to the achievement of sustainable development.'

5.7 Where proposals are sustainable there is a presumption in favour of the development which is the core of the NPPF:

'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development' (paragraph 10).

- 5.8 The NPPF advises that there are three dimensions to sustainable development: economic, social and environmental (Para. 8) and establishes a presumption in favour of sustainable development stating that sustainable development proposals need *'approving... without delay'* (Para. 11).
- 5.9 The Framework, taken as whole, represents the Government's definition of what constitutes sustainable development. These aims are mutually dependent and should be sought jointly and simultaneously by the planning system.

Delivering a Sufficient Supply of Homes

- 5.10 The NPPF supports the Government's objective of significantly boosting the supply of homes, requiring a sufficient quantity and variety of land to come forward.
- 5.11 The minimum number of homes required should be informed by the local housing needs assessment, calculated using the standard methodology in national planning guidance (Para. 61).
- 5.12 Paragraph 69 encourages the use of small and medium sized sites, which can be developed in a time-efficient manner to support local authorities in meeting housing requirements.
- 5.13 Paragraph 74 requires local authorities to be able to demonstrate a *'supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing'* against local housing need.

Design

- 5.14 The NPPF supports the creation of well-designed places, which shapes sustainable communities that warrants development being acceptable.
- 5.15 Paragraph 128 states that at the very earliest stage, *'all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences'*.
- 5.16 Paragraph 130 details the minimum requirements planning policies and decisions should ensure, including:

'Developments that function well and add to the overall quality of the area, for the lifetime of the development;

- sympathetic to the local character and history, taking account of the local built environment;*
- visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- establish or maintain a strong sense of place, using materiality and massing;*
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;*

- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'*
- *Great weight is afforded to the inclusion of trees in the enhancing the quality of the urban environment, whilst aiding the mitigation of climate change. This is largely translated to the design of tree-lined streets, retention of trees and newly-planted trees within development.*

5.17 Paragraph 134 advises '*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*'.

5.18 Paragraph 134 further recommends that significant weight should be given development which accords to local design and national guidance, which displays exemplary design that achieves and/or raises the standard of design.

Heritage

5.19 Paragraph 194 of the NPPF requires as a minimum, that the significance of any heritage asset that may be affected by a proposal to be identified and assessed. The assessment should be taken into account when considering the impact of a proposal on a heritage asset.

5.20 'Great weight' should be afforded to the preservation of designated heritage assets, stressing 'the more important the asset, the greater the weight should be' (Para. 199). This is of particular relevance for Conservation Areas.

5.21 Paragraph 202 goes on to state: 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'

5.22 Paragraph 206 advises 'Local planning authorities to look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

Other Material Considerations

5.23 A number of other material considerations are relevant to the decision making process of this application. Some have newly arisen since the previous decision.

5.24 Section 3 of this reports sets out the planning history of the site and goes into detail about the points of agreement that were established through the determination of the previous application. Whilst this proposal was refused, the conclusions reached on many of the technical matters still constitute a material consideration and should be afforded suitable weight in the determination of this application.

5.25 Throughout this statement, a number of appeals are referenced where they provide important information relevant to the determination of this application. These constitute material considerations and should be given appropriate weight in the planning balance argument.

Emerging Local Plan

- 5.26 Central Lancashire started the consultation on Part One (Preferred Options) of the new Local Plan in December 2022. The consultation is open until the 24th February 2023. Given the embryonic stages of the Plan, the policies can be given limited weight, however, it is useful to review the document when preparing applications within the Plan Area. The latest published housing needs evidence base supporting the production of the new Local Plan are given weight in the planning balance.
- 5.27 Of particular reference to this proposed development is the revised Settlement Hierarchy and the proposed allocation of housing numbers (110 dwellings) in Broughton. On this basis, appropriate reference has been made to emerging policies throughout this statement.

6. The Changing Nature of Broughton

- 6.1 Broughton is a village situated approximately 5km north of Preston city centre but is one of the closest settlements to Preston. The village is situated north of the M55 and close to the junction with the M6.
- 6.2 Over recent years, the town has undergone a number of changes, through the improvements to infrastructure, an increase in population and also a number of housing schemes being approved. Such changes have been particularly marked since the years 2012 and 2015 (when the Local Plan documents were adopted). This section of the statement gives an overview of this change, and demonstrates how Broughton has evolved and changed as a settlement since the adoption of the Development Plan documents.

Infrastructure

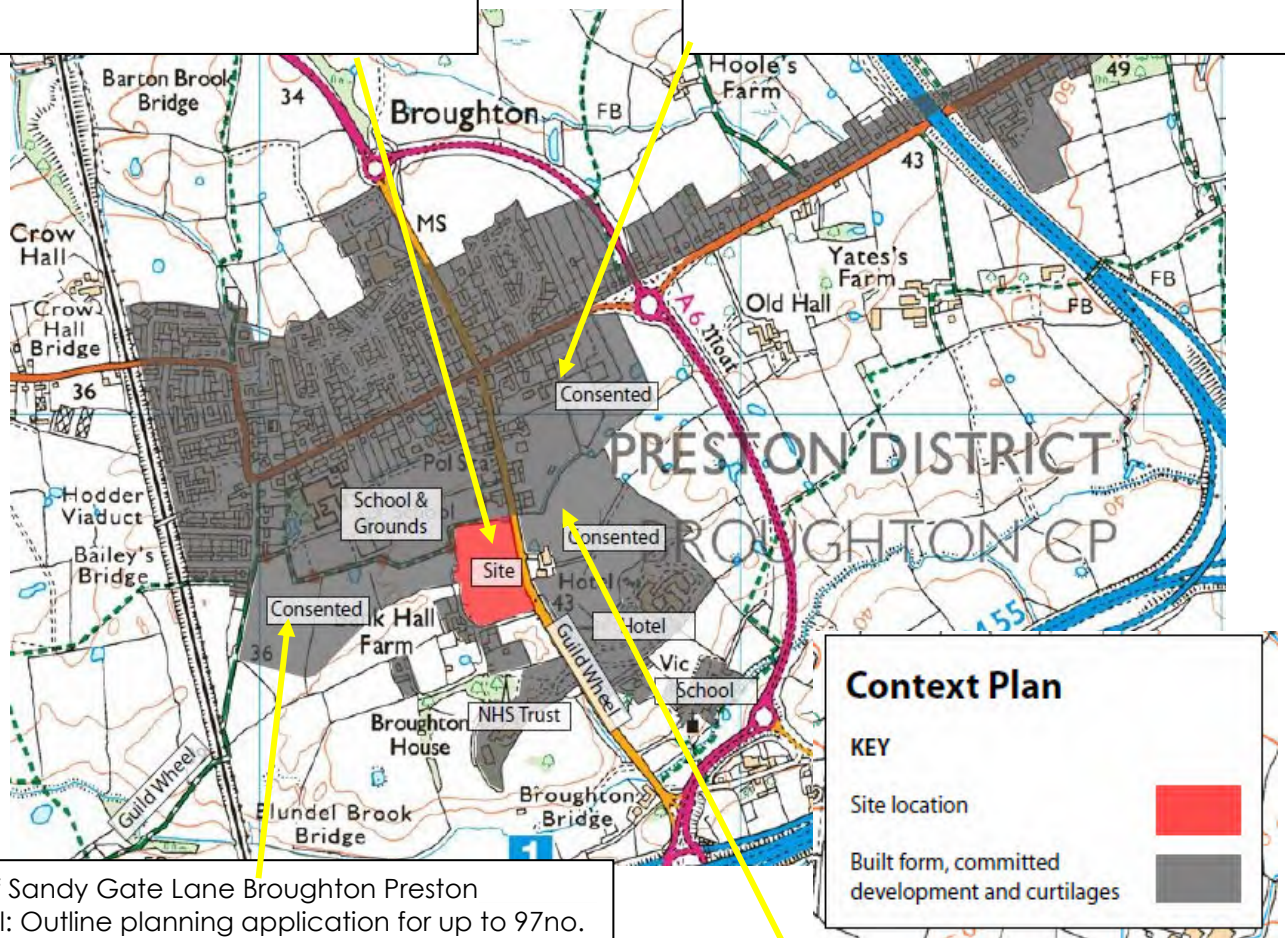
- 6.3 A number of infrastructure improvements have been made in Broughton. In 2017, a bypass running between Preston and Broughton opened after 40 years of negotiations. The road covers a 2km stretch and sought to reduce the traffic flows within Broughton by 90%.
- 6.4 Over the last 7 years since the plan was adopted, a number of changes have also been made to the cycling infrastructure in Broughton. The Guild Wheel, a 21 mile cycle route running from Preston has undergone several changes and enhancements to improve the facilities. There has also been significant regeneration within the village with public realm improvements, a new Co-op convenience store, dedicated cycleways and bus stop upgrades a short distance from the site.
- 6.5 These infrastructure improvements have sought to enhance and evolve Broughton and the surrounding areas as a destination for living and working. The enhancement of the Guild Wheel has sought to promote more sustainable modes of transport, whilst the Bypass aims to reduce traffic flows and associated congestion within the town centre. The investment in the bypass suggests that the local area has the expectation of a growing population, and that infrastructure is being developed to provide sufficient capacity.
- 6.6 In summary, these areas of investment have sought to improve and enhance the infrastructure offer in Broughton making it a more sustainable place to live and work.

Settlement Growth and Approved Developments

- 6.7 Over the last 5 years, a number of development proposals have been approved in and around Broughton. Such proposals have sought to increase the level of housing in the village to respond to the localised housing need.
- 6.8 Through the previous application, criticism was made with regards to the location of the development in relation to the settlement boundary and the direction of growth as set out in Policy S1 of the Core Strategy. A full overview of this assessment, and our critique, is provided in the following section.
- 6.9 It is clear to see through the evidence presented above that physically the nature of Broughton has changed. The settlement is growing to respond to rising populations and a desire to live and work in this part of Preston. The map below shows how the settlement has changed, and the boundaries are evolving in response to this demand:

Application Site: Land west of Garstang Road, Broughton, Preston, PR3 5JA
 Proposal: Outline planning application seeking approval for access only for residential development for up to 51no. dwellings with associated works (all matters reserved)
 App no. 06/2021/1104 (Original Application Refused at Committee on 6th January 2022)

Land off Whittingham Lane and James Towers Way, Preston, Broughton, PR3 5JB
 Proposal: Outline planning application seeking approval for access only for residential development for up to 81no. dwellings with associated works (all other matters reserved)
 App no. 06/2021/0423 (Refused at Committee on 05th October 2021)



Land off Sandy Gate Lane Broughton Preston
 Proposal: Outline planning application for up to 97no. dwellings (access applied for only).
 Original - App no. 06/2016/0736 (Refused at Committee on 02nd May 2017)
Re-submission - App no. 06/2019/0974 (Approval of reserved matters on 14th November 2022 for application (namely scale, layout, landscaping and appearance) pursuant to outline permission 06/2016/0736 for up to 97no. dwellings.

Key Fold Farm, 430, Garstang Road, Preston, PR3 5JB
 Proposal: Outline application for residential development for up to 130 houses with access considered.
 App no. 06/2017/0097 (Refused at Committee on 20th June 2017)
Appeal ref: APP/N2345/W/17/3179177 - Permission granted on 03rd April 2018

Figure 3- Map showing the evolution of the Broughton Settlement

- 6.10 On the basis of the information above, we conclude that Broughton is a sustainable location for growth, capable of accommodating specific residential development.
- 6.11 This position has been further reiterated and supported by the publication of the Central Lancashire Local Plan - Preferred Options - Part One. In the draft Plan, the Council propose to designate Broughton as a 'Rural and Local Centre' and also allocate land for 110 dwellings in the settlement. These allocations signify a distinct change in the treatment of Broughton compared to the existing Local Plan and highlight the evolution of Broughton as a settlement and the suitability and sustainability as a location for growth.
- 6.12 In addition, the emerging Local Plan also seeks new developments to be within a 20-minute neighbourhood. It is considered there is no better available site in Broughton that would meet these objectives, being within short walking distance of a range of services and facilities, whilst minimising landscape harms.
- 6.13 The applicant will continue to promote the site through this process.

7. The Revised Proposals

7.1 This planning statement supports the re-submission of an application to Preston City Council for the following development:

Outline planning application seeking approval for access only for residential development for up to 51no. dwellings (including affordable housing, First Homes, accommodation for over 55's, accessible and adaptable wheelchair provision and self-build plots) with associated works (all other matters reserved)

7.2 The only change to the application relates to the type and tenure of accommodation proposed. The layout and all technical considerations remain as per the original submission which was considered by Preston City Council through 2021. A full overview of the technical considerations is provided in chapter 8 of this statement, but they are summarised below for reference:

- Outline application to deliver up to 51 new homes
- Access to be taken off Garstang Road comprising a simple priority junction
- Open space provided in the southern part of the site
- High quality landscaping to create off sets and buffers around the perimeter of the site
- A biodiversity net gain of 33.34% for habitats and 10.44% for hedgerows

7.3 For reference, a proposed site layout is included below, however the Parameter Plan will be a condition of any approval:



Figure 4- Indicative Site Layout (proposed)

8. Assessment of the Proposed Development

Scope of the Revised Application

- 8.1 As has been set out elsewhere in this statement, the revised proposal does not seek to make major amendments to the design of the scheme. The proposal reflects a change to the proposed tenure and type of accommodation brought forward in response to newly available information. All other matters remain as per the original application, many of which were agreed through the consultation process. A full overview of the technical pack and the conclusions reached previously are provided in the following chapter.

Principle of Development

- 8.2 The previous application was refused on the following grounds:

The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.

- 8.3 Given this reason for refusal, it is necessary to review and critique the policies which Preston considered the development to be in conflict with. As such, we present a case which focusses on:

- 1) The location of growth within Broughton (Policy EN1)
- 2) The impact of the development on the 'open countryside'
- 3) The impact of the proposed development on the area of separation (Policy EN4)

- 8.4 We assess each of these matters and provide evidence in support of our position on determining the relevance or extent of any perceived conflict or impact.

Housing Land Supply Position

- 8.5 Policy 4(a) of the Core Strategy seeks to deliver a total of 22,158 dwellings across the three Central Lancashire districts over the plan period (2010-2026).
- 8.6 There has been much discussion around which method should be used to calculate the housing land supply position for Preston. Up until January 2020, the Council used the Core Strategy housing requirement to assess the housing land supply. However,

following monitoring, the Council changed to the Standard Methodology under the guidance of the NPPF. This change in methodology meant that the figures cited in Policy 4(a) were out of date.

- 8.7 Using the Standard Methodology and the April 2021 housing need figure would mean that Preston could demonstrate a 15.3 years supply of housing land (given that the requirement would be for 254 dwellings per year).
- 8.8 The Council's reliance on the standard methodology has been tested at appeal throughout 2021 and 2022. The Planning Inspectorate issued decisions relating to six appeals adjacent to the village of Goosnargh and one appeal site close to Longridge and one near Barton. In determining the appeals, the Inspector confirmed;
- The population data utilised for the Policy 4 requirement was based on demographic trends from 1998-2003. The methodology for calculating housing need has changed materially since then.
 - The practical implementation of the standard methodology in Preston almost halves the housing requirement for Preston when compared to the Local Plan figures.
- 8.9 The Inspector, in the determination of the aforementioned appeals, concluded that Policy 4 is out of date. As such, the most appropriate figure to use to calculate housing need is the local housing need figure and not the data within Policy 4.
- 8.10 On this basis, if the Local Housing Need is utilised, then the Council can demonstrate a 14.6 year housing land supply. But if Policy 4 requirement is used, then the figures fall to 7.5 years.
- 8.11 Regardless of which methodology is used, based on the figures above, the Council can demonstrate a 5 year housing land supply, so this does not trigger the tilted balance. On this basis, the application does not seek to argue that the LPA cannot demonstrate a 5 year housing land supply position currently, and therefore brings the case forward on a 'flat balance'. Paragraph 12 of the NPPF states:

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Location of the Proposed Development

Development in the Lower Order Settlements

- 8.12 Policy 1 of the Central Lancashire Core Strategy seeks to direct growth within the Plan area to higher order settlements. Part f of the Policy states that '*in other places- smaller villages, substantial 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*'. (Our emphasis added).

- 8.13 Furthermore, Policy EN1 of the Local Plan forms part of the spatial strategy for Preston. EN1, and the supporting Rural Development SPD, seeks to direct development towards 'appropriate locations' by protecting areas of open countryside from development which fails to meet the policy criteria. The purpose of Policy EN1 is **not** to protect the countryside in its own sake. It is a spatial policy aimed at directing growth to specific locations in order of preference. The Local Authority acknowledge the use, limitations and functions of Policy EN1 on page 10 of their committee report, for reference, the Committee Report is included in **Appendix 2**.
- 8.14 Whilst Policy 1 seeks to direct growth, it does not prescribe targets, or limits, to developments in specific settlements (or types of settlement). A similar situation was observed in Appeal APP/R3650/W/21/3278196², for a residential development scheme in Alfold. This appeal decision assessed a spatial policy and the absence of capping development numbers in specific settlements.
- 8.15 The policy in question, like P1 of the Central Lancashire Core Strategy, sought to prioritise development in higher order settlements and allowed for 'limited' growth in lower order settlements. However, the definition of 'limited growth' was missing from the Policy, leaving opportunities for interpretation and justification of development.
- 8.16 In the determination of the appeal, Inspector Stephens stated that whilst the settlement subject to the application was '*doubling as a result of recent consents*', the lack of ceiling or development cap in the policy, did not mean the proposed scheme was indicative of a policy breach³. Furthermore, the Inspector stated that as the intention of the policies was to meet the overarching, borough wide development targets, the development of the proposed site would comply with this strategic aim, therefore not representing a policy conflict.
- 8.17 Turning to Broughton and the Core Strategy, as with the case in Alfold, Policy 1 of the CLCS does **not** prescribe any targets or impose a ceiling on development in lower order settlements, such as Broughton. It is acknowledged that there is a plan wide housing **target** and a requirement of the Council to meet this. Whilst there is commentary around the desired location for growth (in line with the settlement hierarchy), there is **no** commitment or **limit** to the actual development numbers that should be achieved/not breached in each specific settlement.
- 8.18 Using the same logic that Inspector Stephens applied, means that even though Broughton is at the lower end of the settlement hierarchy, and therefore subject to '*lower levels*' of growth, the lack of specific targets in the policy does not equate to unacceptable or unsustainable growth. Furthermore, the general compliance with the overall development aspirations of the Plan should be given weight in the planning balance, regardless of which type of settlement they are proposed within.
- 8.19 Furthermore, Policy 1 only states that development in other rural areas should be 'limited'- but, as with Alfold, the plan is silent on the quantity of such development within Broughton. Given the absence of any specific development quotas for Broughton, it suggests that subject to a thorough and robust justification for the scheme being put forward, there is scope for an applicant to demonstrate that a proposed development is appropriate for development within sustainable lower order settlements and the consideration of specific harm or impacts and consequent benefits brought by any particular scheme.

² Appeal Ref: APP/R3650/W/21/3278196
Land west of Loxwood Road, Alford, Surrey, GU6 8HN

³ Paragraph 25

- 8.20 Relevant assessments on development in lower order settlements were also made by Inspector Edwards in appeal APP/Y3940/W/21/3285458⁴. The development sought consent for 21 dwellings on land outside the defined settlement boundary of Bengier. In his decision, the Inspector refers to the 'Rural Housing' section of the NPPF (paragraphs 78- 80). Paragraph 79 states that '*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*'. For Bengier, the Inspector concluded that whilst the application site was outside of the settlement boundary, the accessibility of the village and the associated facilities would ensure this was a sustainable location, and the development would promote the vitality and success of the rural facilities. In the case of Broughton, it is demonstrated below that the settlement presents a sustainable village capable of accommodating growth. As such, the approval of this application would assist in supporting and sustaining the businesses and services that exist within Broughton village, thus complying with paragraph 79 of the Framework.
- 8.21 Comparable arguments around the location of growth were also noted in Appeal reference APP/P0240/W/18/3211229⁵. In her assessment of the proposals, Inspector Vyse acknowledged the changing nature of Clifton. She confirmed that the '*growth is a characteristic of the settlement*'. As Clifton had undergone a number of residential developments, however such consents were not causing a '*material change to the overall character of the village in its current form or its identity as a nucleated settlement surrounded by fields*' (paragraph 16).
- 8.22 For Broughton, Inspector Manning's concluded that Broughton had evolved since its original 'nuclei' however, in line with conclusions of Inspector Vyse, it is our view that this development would not materially harm the overall character of the village – and indeed the officer report for the original application agrees. Therefore, whilst the location of growth would not completely comply with the settlement hierarchy of Policy 1 of the Core Strategy, the intention of the Policy and the aspiration to maintain Broughton as a lower order settlement would be maintained. This approach, and conclusion was confirmed in the Clifton Case and confirms that expansions of rural settlements doesn't instinctively take away from their rural characteristics.

Position of Broughton in the Settlement Hierarchy

- 8.23 Through the assessment of the previous application, the Council stated that the site is not located within a Key Service area or a Main Urban Area. This is the position which informed the adoption of the current plan with an evidence base over a decade old, however, there is clear and convincing evidence to demonstrate that the settlement of Broughton has now changed, and the settlement today presents a different identity to when the Development Plan documents were adopted. As has been set out in the preceding chapters, the approval of several planning appeals on land immediately surrounding the application site has caused the settlement boundary of Broughton to shift and grow to accommodate these forthcoming developments.
- 8.24 Inspector Manning, when considering appeal APP/N2345/W/17/3179105⁶, confirmed that '*it is very apparent that Broughton has expanded beyond its early nuclei*'. This growth has been reviewed and quantified and compared against the experienced and predicted growth of other settlements within the hierarchy.

⁴ Appeal Ref: APP/Y3940/W/21/3285458 Land at Sutton Lane, Sutton Bengier, Wiltshire SN15 4RR

⁵ Appeal Ref: APP/P0240/W/18/3211229

Land off Broad Street, Clifton SG17 5RR

⁶ Appeal Ref: APP/N2345/W/17/3179105

Land off Sandy Gate Lane, Broughton, Preston,
Lancashire PR3 5LA

Settlement	Population growth over the last 10 years	Number of dwellings approved over the plan period.
Key service centres		
Longridge	7,526 to 8,437	649
Urban Local Service Centres		
Adlington	9,211 to 10,372	183
Clayton Brook Green		46
Clayton-le-Woods	14,532 to 15,960	335
Coppull	7,959 to 8,304	399
Euxton	8,118 to 8,306	646
Whittle – le- Woods	5,434 to 6,810	296
Local Centres		
Brinscall/Withnell	1,388 to 1,335 / 898 to 853	14
Eccleston	4,234 to 4,541	114
Longton	8,800 to 8922	32
Other Rural Centres		
Broughton		1,392

Table 5- data showing settlement growth

- 8.25 As can be seen from the table above, all settlements in the Central Lancashire area have experienced growth (through approval of residential developments) since the adoption of the Plan. Despite growth being focussed in the higher order settlements (as per Policy 1 of the Core Strategy), the Urban Local Service Centres have undergone the most significant growth with over 1,900 new dwellings being approved in these locations in total.
- 8.26 However, the most relevant trend is the comparison between Broughton and other settlements in Central Lancashire Plan Area. As is evidenced above, Broughton has undergone significant growth through a number of approvals (over 1,300 homes have been approved since the plan was adopted), although it is important to note that part of the Broughton parish extends south of the M55 into the Preston city area where larger allocations and developments are situated. In numerical terms, these consents have approved more residential units in Broughton compared to any other settlement in the Plan area, regardless of their ranking in the hierarchy. In fact, the number of approvals in Broughton is the highest of any town noted in the hierarchy, and itself is a significant

proportion of the *total* number of approvals secured across all of the listed Urban Local Service Centres.

8.27 As we have set out through this report, the Council have previously stated that the proposed development is not suitable as it does not accord with the direction of growth as outlined in Policy S1. The evidence presented above clearly shows how the placement of Broughton in the settlement hierarchy, as a result of other approvals, does not reflect the current context. Furthermore, the position the Council has previously taken with regard to the position of Broughton in the settlement hierarchy, has been devalued as a result of the publication of the new Central Lancashire Local Plan, Preferred Options, Part 1 (draft). In the emerging Plan, the settlement hierarchy has been revisited through the revisions to the Spatial Strategy. Table 1 of the emerging Plan positions Broughton in Tier 4 (a Local and Rural Centre) with a potential allocation of 110 dwellings. This re-positioning of Broughton recognises the substantial change that has occurred in the settlement since the adoption of the Plan in 2012 and supports all the evidence put forward in this Planning Statement and supporting documents.

8.28 Whilst the publication of the Central Lancashire Local Plan, Preferred Options, Part 1 (draft) is positive for demonstrating the change in Broughton, it must be noted that the embryonic stages of this plan mean it can be given limited weight. As such, it is necessary to review and compare the characteristics of Broughton compared to other settlements in the Central Lancashire Area. To exemplify the characteristics of Broughton and how this is more comparable to a higher order settlement, an assessment has been undertaken which is evidenced below. The assessment looked at a range of settlements to understand whether the following infrastructure/ services were present:

- School (primary and/or secondary)
- Places of worship
- Health care facilities
- Pubs/restaurants
- Convenience retail shops

Settlement	School	Places of worship	Health Care facilities	Pubs/restaurants	Convenience retail	Leisure Facilities
Broughton	Yes – primary and secondary	Yes- St John's Baptist Church	Dental surgery	The Broughton Inn, Toll bar Café	Co-Op Broughton	Broughton tennis club, Delta Hotel
Barton	Pre-school	St Lawrences Church	No	The Sparling	No	Barton Manor Hotel
Brinscall	Pre-school	Hillside Methodist Church	No	Cricketers Arms	No	Brinscall Swimming Pool
Churchtown	No	St Helen's Methodist Church	No	Horns Inn	No	No
Goosnargh & Whittingham	Primary school	St Mary's Church	No	The Stag's Head	No	Tennis Club

Hoole	Primary school	Hoole Wesleyan Methodist Church,	No	San Marco	No	No
Woodplumpton	Yes-primary school	St Anne's Church	No	The Wheatsheaf	No	No

Table 6- comparison of services in various settlements

- 8.29 The table above demonstrates that Broughton as a settlement has a wealth of amenities and services available to local residents. It is the only rural settlement which accommodates a primary and secondary school and has medical facilities within the village. All other settlements analysed are deficient in at least one of these facilities making them arguably less sustainable than Broughton.
- 8.30 On the basis of the evidence outlined above, the applicant contests that the continued consideration of Broughton as a 'rural area' in the settlement hierarchy remains up-to-date. The evidence clearly shows that the settlement is growing and evolving and if the settlement hierarchy was re-considered, it is likely Broughton would feature higher up the ranking as indeed it is through the emerging Local Plan.

Sustainability of Broughton

- 8.31 Looking more generally at the principle of development in Broughton, it is necessary to undertake an assessment of the sustainability of this location and the capacity to accommodate further growth.
- 8.32 Such matters were discussed in the appeal decisions for development at Sandy Gate Lane (APP/N2345/W/17/3179105) and Key Fold Farm (APP/N2345/W/17/3179177). The principle matters were assessed by Inspector Manning and an assessment given in a conjoined appeal decision. The detailed matters were addressed separately.
- 8.33 In their assessment of development at Sandy Gate Lane, initially, the Council attested that Broughton did not reflect a sustainable location for growth owing to its positioning on the settlement hierarchy and associated infrastructure, facilities and amenities. However, through the co-joined appeal via public inquiry, the Council withdrew their objection relating to the suitability of Broughton as a sustainable location for growth. When determining Key Fold Farm, the Council suggested that Broughton *'is a rural village with low accessibility to local employment areas, shops and services'*. In conclusion, Inspector Manning stated that he did *'not consider Broughton to be notably poorly served in terms of access to services and facilities or choice of transport modes'*. Moreover, the Inspector confirmed that developments at Key Fold Farm and Sandy Gate Lane would be *'well located in terms by comparison with housing sites associated with many freestanding settlements'* (paragraph 66). Overall, Inspector Manning concluded that, *'the initial stance of the Council does not in my view withstand scrutiny'*.
- 8.34 The conclusions of Inspector Manning are important material considerations in the determination of this development. It has been confirmed at Appeal (in 2018) that Broughton constitutes a sustainable location, which, as proven by the appeal decisions for Sandy Gate Lane and Key Fold Farm, is capable of accommodating residential growth. Indeed, even since these appeal decision, Broughton has undergone a transformation in terms of regeneration of the public realm, public transport enhancements, opening of the bypass and a new larger Co-op convenience store.

- 8.35 Whilst it is noted that the application site lies outside the village boundary, as has been set out in paragraph 7.20, the Framework promotes rural development which supports and enhances the vitality of rural settlements and facilities. Development lying outside a settlement boundary does not automatically mean that actual harm arises, particularly if the context has changed since the boundaries were adopted. It has been demonstrated that the future residents of this scheme would have access to a good range of services and amenities within Broughton and the walk distance to these is appropriate and acceptable. In line with the decision made by Inspector Edwards, it is considered that this type of rural development can succeed in enhancing and promoting the sustainability of facilities within the village.
- 8.36 Overall, it has been concluded by the Inspectorate that Broughton comprises a sustainable location capable of accommodating some residential development. Furthermore, development on this site would comply with paragraph 79 of the Framework by supporting the services within Broughton. These decisions are material in reaching a judgement against the perceived weight to be given to a conflict of how spatially development is to be directed to other settlements.

The Need to Locate Development in Areas Closest to the City

- 8.37 The Core Strategy recognises the city centre of Preston as the largest concentration of commercial activity in Central Lancashire. The University of Central Lancashire, which is planning a £700m expansion of their campus over the next 10 years, is a significant driver for economic growth in the region. In addition, the north of the city is the least constrained area in Preston and indeed Central Lancashire as shown in Figure 4.2 of the Icen report.

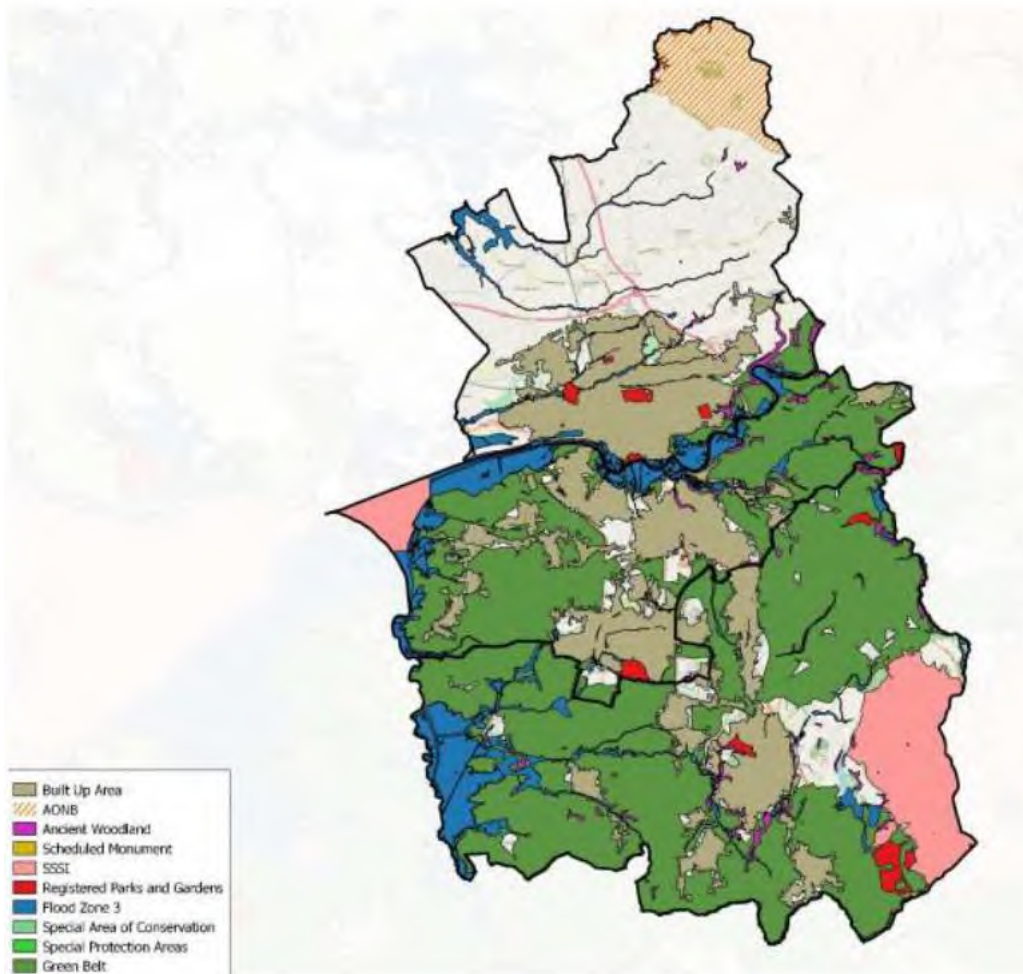


Figure 5- Central Lancashire – Nationally Significant Constraints

- 8.38 The GL Hearn SHMA (2017) noted that discussions with the economic development officer at Preston City Council viewed growth around the urban area as good for the city, given the wider benefits to the Central Lancashire area.
- 8.39 However, the DLP Study (2022) found the level of employment in Preston exceeds the size of the resident workforce indicating there is a trend for 'in commuting'. The opposite is the case in both Chorley and South Ribble where the number of resident workers exceeds the level of employment, indicating a net out-commute. The commuting flows from Figure 35 of the report show 13,492 people travelling from South Ribble into Preston, 4,770 people from Chorley, 2,904 people from Fylde, 2,404 people from Wyre and 2,315 people from Blackburn. The report finds that "Preston demonstrates statistically significant inflows with a wider range of neighbouring authorities as a result of its urban characteristics and status as a centre for higher education". This significant in-flow of people from outside the district could be minimised by locating new homes closer to the city. In turn, this would create a better live/work environment and help Preston continue to build on its economic strength as the key city of the region.
- 8.40 In addition, locating new homes closer to jobs and services creates reduced journeys, lower emissions and a healthier environment, and is particularly important as Preston City Council declared a climate emergency in April 2019. Increasing opportunities for people to live near where they work is an important facet of good-planning and is recognised by PPG (ID: 2a-006-20190220). Indeed, the Icen report (2020) supported

this approach and noted Preston has 48% of all jobs in Central Lancashire (86,000) but less proportion of the population live there (39% as of 2021).

- 8.41 The DLP report also found Preston experienced a significant migration *out* of the city (-441 people) for all age groups (except the 15-19 group) based on ONS estimates. The report found that this relates broadly to outflows from Preston to South Ribble, likely due to *“supply-side pressures in terms of housing search patterns and population growth in younger age groups”*. The 20-29 age group sees a net outflow as students leave following graduation and as young people move elsewhere for work. However, it is concerning that the limited offer of affordable homes in Preston may also have an impact. In the long term this may have an impact on Preston being able to retain a young workforce to support its economic potential.
- 8.42 The recent DLP report (2022) stated that there is a growing demand in rural and semi-rural locations with a *“potential opportunity to locate development in accessible locations close to strategic transport networks, encourage sustainable travel and unlocking infrastructure improvements”*. Broughton is an excellent location being close to Preston city with very good public transport links including bus services and cycle routes via the Guild Wheel. These merits may not completely eradicate car use, but it does help reduce car journey lengths and CO² emissions.
- 8.43 In addition, the City Deal Infrastructure Delivery Programme and Investment Fund is intended to act as a catalyst for the construction of up to 17,484 new homes over the 10-year period from 2014-24 (1,748 dpa). Performance of the City Deal has been poor with a shortfall of 1,214 dwellings by 2019, as identified in the Iceni report. The City Deal remains an economic driver for the Preston and the proposed scheme will help with supporting the delivery of homes towards its wider economic objectives.

Higher Population Living in the Preston District

- 8.44 The recent DLP Housing Study (2022) states that Preston has the largest population of the Central Lancashire authorities with a population of 144,147 as per the Mid-Year Population Estimates (2020) and that the latest 2018-based projections result in higher growth compared to the 2014-based (which underpin Standard Method) which is unusual. However, even this is now understood to be a significant underestimate for Preston as confirmed by the Census 2021 data. The latest Census confirmed the population in 2021 was actually 147,900 demonstrating the population grew more quickly from 2011 than was projected by the 2014-based estimates. As a result, an extra 5,800 people live in Preston than was previously thought. These population growth trends have not yet been reflected in the housing supply and delivery, meaning there is an unmet need in Preston.
- 8.45 With this new Census information, Figure 33 of the DLP report shows that all previous projections and future growth scenarios have grossly underestimated the population in Preston for the year 2021. Projections in the SHMA (2017), in hindsight, also underestimated how much the population in Preston was growing. This has a long-term impact in that fewer homes would be planned for than are now needed. Below is an extract of the projected growth scenarios with the actual population in 2021 shown.

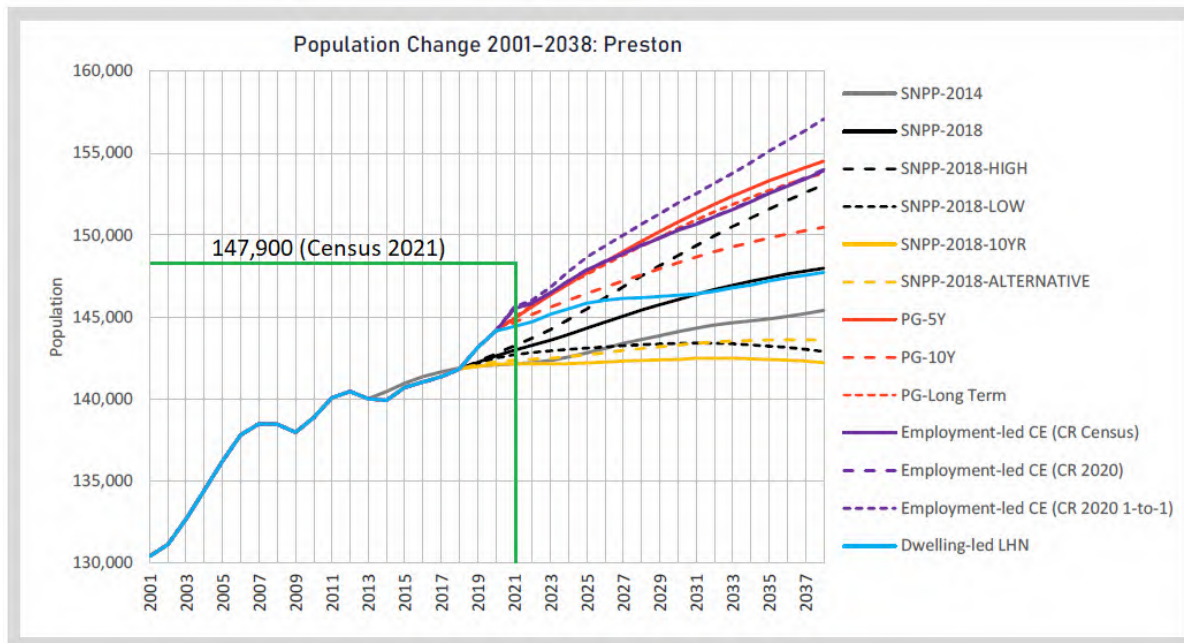


Figure 6- Population Change in Preston 2001- 2038

- 8.46 This will add additional pressure on housing needs in the area that have not been picked up by all previous housing assessments to-date and so it is likely future housing needs will be higher in Preston unless the Council actively seek a downturn in the economic potential of the city.

Summary

- 8.47 The evidence presented above and through this statement demonstrates how Broughton has evolved as a settlement since the adoption of the Local Plan and the Core Strategy.
- 8.48 Broughton has evolved both in terms of housing developments, and also the provision of higher quality and capacity infrastructure to accommodate such growth. Data presented shows that the growth in Broughton is considerably higher than any other settlement in the Plan Area.
- 8.49 In their previous critique of the proposals, the Council attested that development was unacceptable in Broughton given the location of the settlement in the hierarchy, and the strategic aims for growth across the Central Lancashire Area. The omission of specific development quantum in Policy S1 is comparable to conclusions reached in the Alfold Appeal Decision, whereby the Inspector critiqued the absence of such quotas. In his decision, the Inspector concluded that whilst this was not completely in accordance with the spatial strategy, the proposed development still accorded with the aspirations of the plan as a whole, and therefore could not be considered a policy breach as it still demonstrated sustainable development. The same logic can be applied to Broughton, given the wording of Policy S1 and the fact that the proposed development would accord with the overarching aspirations of the Development Plan.
- 8.50 Furthermore, it has been evidenced through this chapter that the nature of Broughton as a sustainable settlement has evolved considerably since the Local Plan and Core

Strategy were adopted. The settlement has experienced population growths and a rise in infrastructure. The Local Authority were forced to withdraw an objection based on the unsustainability of Broughton through the determination of the Sandy Gate Lane and Key Fold Farm appeals. This withdrawal and associated Inspector's comments confirmed the sustainability of Broughton for an area of growth within Preston.

- 8.51 Overall, it has been clearly demonstrated that the principle of growth in Broughton has been considered acceptable given the wealth of factors that have been presented in this chapter.

Impact of the Development on the Area of Separation

- 8.52 The application site is located within the Area of Separation as defined under Policy EN4 of the Local Plan. An overview of the site and the location of this policy is included in the plan below:

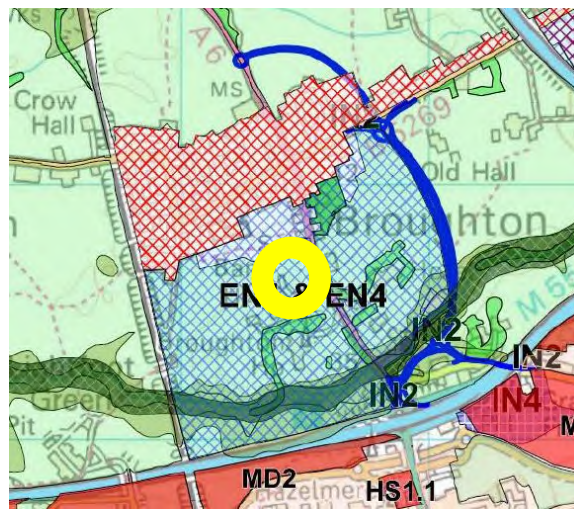


Figure 7- Plan showing the site (yellow) and the area of separation as set out in EN4 (blue hatching)

- 8.53 Policy EN4 states that proposals will be assessed in terms of their impact upon the AoS, including harm to the effectiveness of the gap between settlements, and also the degree to which the development would compromise the function of the AoS.
- 8.54 In their committee report, Officers concluded that the application as previously submitted would 'not result in the merging of the settlements Broughton and the Preston Urban Area' (page 10). Furthermore, they concluded that the proposed development would not conflict with the requirements of Policy EN4.
- 8.55 We fully agree with this conclusion noting the physical change to the settlement boundary in this location which has subsumed the application site and completely eroded the contribution the site makes to the area of separation. Furthermore, when comparing this site to the proposed allocation put forward in the emerging Local Plan (PC/HS1.5) it is clear that the development of this site would have a lower landscape impact on compared to the envisaged expansion to the north. Overall, if the Council are resistant to development that impacts the wider area, then the most logical, and least harmful development would be utilising this site to infill in the southern part of the settlement.

8.56 The circumstances surrounding the application site remain consistent with the previous proposal, therefore it can be concluded that the position reached by the Council through application 06/2021/1104 remains and no circumstances have amended this correct conclusion.

Type of Development Proposed in the 'Open Countryside'

8.57 As part of the Reason for Refusal, the Council stated that the proposed development would not accord with the 'type of development deemed permissible in the open countryside under Policy RES21 of the Broughton Neighbourhood Development Plan'.

8.58 The Neighbourhood Plan looks to allocate certain development sites within the Plan Area. In the identification of suitable sites, the Plan states that those identified would propose '*modest extensions to the settlement boundary, rounding off the wider village form*' furthermore, they would '*minimise intrusion into open countryside and the areas of separation, pose no threat to the villages' character or rural setting or to its identity and distinctiveness*' (paragraph 8.5.11 of the Broughton Neighbourhood Plan.

8.59 On the basis of the above criteria for allocating sites, and based on the evidence put forward which confirms that the site would not cause significant expansions to the settlement boundary and would round off the wider village, we contest the assertion made that the proposed development is not suitable for Broughton or conflicts with the Neighbourhood Plan. Furthermore, it has been demonstrated, and confirmed by the Council, that the proposed development has no impact on the Area of Separation, therefore, this policy conflict as cited in the previous reason for refusal should be reconsidered to avoid undue costs for the applicant if defending a future appeal.

Responding to a Localised Development Need

8.60 This application has been amended to introduce additional and varied types and tenures of accommodation. This is in response to evidence provided by the Council which demonstrates a need for specific housing in Preston. As such, the scheme has been amended to include:

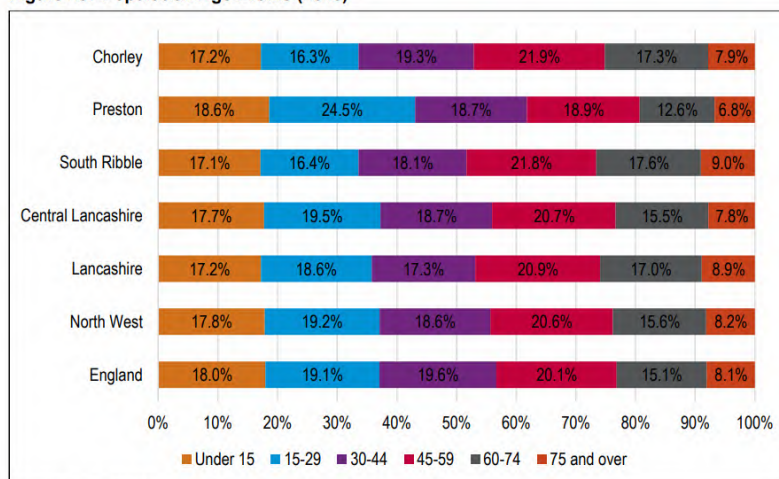
- Housing for over 55's
- Increased provision of affordable housing with a focus on the affordable rented sector and First Homes
- Accessible and Adaptable M4(2) and Wheelchair M4(3) dwellings
- Larger homes for BAME households
- Self-build plots

8.61 Policy 1 of the Core Strategy and EN1 of the Local Plan provide circumstances where development in lower order settlements can be accepted. One of these circumstances is when a proposal directly responds to an identified local need and the approval of such a scheme would assist the Local Authority in meeting this need. The following section of the report confirms that this revised submission meets this policy test as a result of the changed offer and as such, complies with this part of Policy 1 and EN1.

Housing for the Over 55's

8.62 Data from the Office for National Statistics (ONS) demonstrates how the demographic breakdown of Preston compares to the rest of Central Lancashire and the UK as a whole. The table below, taken from the ONS's 2016 figures shows that Preston has a significant proportion of the population falling into the 60 and over category.

Figure 25: Population Age Profile (2016)



Source: ONS 2016 mid-year population estimates

Figure 8- Population age profile in Central Lancashire

8.63 Various studies have been undertaken within the Central Lancashire area, and specifically Preston, to understand the housing need for those over 55. The latest evidence prepared by Arc4 (2022) suggests there is a need of older person accommodation in both C2 and C3 use classes. In Preston, there is a need for 1,070 (between 2021-38) C3 dwellings and 833 C2 dwellings/bed spaces. Overall across Central Lancashire, this means a total need of 106 dpa of older persons homes.

8.64 The recent DLP Housing Study (2022) finds that the Central Lancashire population has seen the largest growth in the over 65 group, with an increase of 40% since 2001, equivalent to approximately 20,000 additional people. At the same time, the size of the working age (15-64) population has increased by only 7%. The study recognises the need to increase and diversify the supply of specialist housing (including retirement homes) for older people with 1,903 more units for older people required by 2038.

8.65 The Icen Housing Study (2020) concluded a more extreme picture. Table 7.4 of the report shows the projected change in older persons in Preston. The change in those over 65 is 34.4% whilst for under 65s it is only 3.1%.

	2016	2036	Change in population	% change
Under 65	120,983	124,687	3,704	3.1%
65-74	11,300	14,287	2,987	26.4%
75-84	6,873	9,371	2,498	36.3%
85+	2,662	4,353	1,691	63.5%
Total	141,818	152,698	10,880	7.7%
Total 65+	20,835	28,011	7,176	34.4%

Source: Demographic Projections

Table 7- Projected population change for older people in Preston (2018-2038) Taken from the Icen Housing Study 2020.

- 8.66 Much of the projected increased change in households are those over 65s who are either one person (+23.6%) or couples (+47.9%) which suggests a need for smaller dwellings for over 55s which they can downsize into whilst releasing larger existing properties into the market. Table 8.2 of the Iceni report shows the projected change in households across Central Lancashire.

	2018	2036	Change	% Change
One-person household (aged 65 and over)	19,571	24,195	4,623	23.6%
One-person household (aged under 65)	28,333	32,016	3,683	13.0%
Couple (aged 65 and over)	19,193	28,380	9,187	47.9%
Couple (aged under 65)	21,662	17,189	-4,474	-20.7%
A couple and one or more other adults: No dependent children	12,049	12,107	59	0.5%
Households with one dependent child	22,286	25,369	3,083	13.8%
Households with two dependent children	16,639	16,844	205	1.2%
Households with three dependent children	6,596	6,360	-236	-3.6%
Other households ²³	9,959	11,759	1,800	18.1%
TOTAL	156,288	174,219	17,930	11.5%
Total households with dependent children	45,520	48,573	3,052	6.7%

Source: Demographic Projections

Table 8- Change in Household Types in Central Lancashire (2018-2038) Taken from the Iceni Housing Study 2020.

- 8.67 Clearly, given the aging population in Preston and the higher levels of disability and health problems amongst older people, there is likely to be an increased requirement for specialist housing options moving forward. One type referenced by the Iceni report is 'age-restricted general market housing' for those aged 55 and over including the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.
- 8.68 Taking into account the current position noted above, Central Lancashire is projected to see notable increase in the older person population, with a total number of people aged over 65 projected to increase by 39% in the period up to 2036. This compares with an overall population growth of 6.5% and a decrease in the Under 65 population of 0.8%. Converting this into a figure, this represents a projected increase of 26,500 people falling into the over 65's category. This change is evidenced in the table below:

	2016	2036	Change in population	% change
Under 65	120,983	124,687	3,704	3.1%
65-74	11,300	14,287	2,987	26.4%
75-84	6,873	9,371	2,498	36.3%
85+	2,662	4,353	1,691	63.5%
Total	141,818	152,698	10,880	7.7%
Total 65+	20,835	28,011	7,176	34.4%

Source: Demographic Projections

Table 9- Demographic Projections – taken from the Central Lancashire Housing

- 8.69 In addition to the evidenced demand for housing for older people as a result of the growing population, data from the Demographic Projections and Housing⁷ shows the types of housing that are required to accommodate the over 55's.

		Housing demand per 1,000 75+	Current supply	2018 demand	Current shortfall/ (surplus)	Additional demand to 2036	Shortfall/ (surplus) by 2036
Housing with support	Rented	62	1,043	589	-454	259	-196
	Leasehold	72	190	683	493	300	793
Housing with care	Rented	26	74	246	172	108	281
	Leasehold	22	0	211	211	93	304
Total (dwellings)		181	1,307	1,729	422	760	1,182
Care bedspaces		117	1,265	1,119	-146	492	346

Source: Derived from Demographic Projections and Housing LIN/HOSPR/EAC

Table 10- Surplus and Demand of specialist Housing within Preston in the years 2018 and 2036 taken from the Central Lancashire Housing Study prepared by Icení, 2020

- 8.70 It is noted that the categories in this evidence set, only distinguish between 'housing with support' and 'housing with care' when in fact there are many different types of accommodation for older people. Icení recognised this in the preparation of their assessment, and at point 7.10 of the assessment state that housing with support can include retirement and sheltered housing. For the purpose of this analysis, the assessment is made on the basis of the needs for retirement housing (which falls under the 'housing with support' category).
- 8.71 On this basis, there is a clear shortfall of 'housing with support'/retirement units across Preston. The demand is expected to increase as a result of the ageing population and this shortfall will also increase in line with the rising demand.
- 8.72 Hollins Strategic Land is committed to addressing the identified need within Preston and the Central Lancashire Area and therefore seeks to provide accommodation for the over 55's at this site. The exact quantum will be determined through discussions with the Local Authority, but the initial proposal would commit to a 10% provision. The location and design of these units would be agreed at Reserved Matters Stage, but the applicant is happy to enter into a S106 agreement or condition to secure the provision at Outline Stage.

Affordable Housing

- 8.73 As part of the previous application, Hollins Strategic Land committed to providing 35% of the dwellings as affordable. This accorded with the requirements of Policy 7 of the Core Strategy. Through the revised submission, a tenure split was not confirmed as this would be detailed and secured through a S106 agreement.
- 8.74 The proposed affordable housing quantum as part of this revised submission is proposed to be increased to 40%, thus exceeding the requirements of CS Policy 7. This is a positive response to the significant step-change increase in affordable housing needed in Preston recently evidenced through the Housing Need and Demand Assessment (HNDA, produced by Arc4 in 2022) and as reported by DLP in the published Central Lancashire Housing Study (2022).

⁷ LIN/HOSPR/EAC

- 8.75 The HNDA states there is a **net annual need for 377 affordable homes** across Preston. The Preston area has the greatest affordable needs across the Central Lancashire area, in Chorley (113 dpa) and South Ribble (296 dpa). This is significantly higher than the Core Strategy requirement and any previously published housing needs assessment for the Preston area. For example, the Core Strategy identified a need for 46 affordable homes per annum in Preston, the SHMA (2017) identified 239 affordable homes per annum, and the Icen Housing Study (2020) identified a need for 250 homes per annum. Overall, the latest assessment of affordable housing needs in Preston is over 8 times higher than the Core Strategy requirement demonstrating the acute need for affordable homes in Preston.
- 8.76 However, there has been no single year where this level of need has been met and, in fact, the average gross affordable housing completions in Preston since 2004 is only 83 affordable homes per annum. This is likely to be lower when taking account of demolitions and Help to Buy losses to reach a net figure. Since the start of the Core Strategy plan period, the average has been higher (131 per annum). This delivery track record is significantly below what is now needed in Preston and so the Council should look highly favourably on windfall schemes which deliver new affordable homes in sustainable locations to assist the Council in trying to meet needs.
- 8.77 The latest evidence, compared with previous published housing assessments, shows an exacerbation of affordable needs. The Icen report (2020) stated that "*studies clearly demonstrate a substantial need for additional affordable housing and the Councils should seek to maximise delivery where opportunities arise*".
- 8.78 The SHMA (GL Hearn, 2017), showed that median house prices in Preston increased by 162% between 2000 and 2015. It also confirmed that there were 8,900 households in unsuitable housing (or without housing) in Central Lancashire and around half of these were in Preston. It noted that whilst Preston is one of the more affordable locations in the country, it does have a high affordable housing need which is influenced in part by its younger population.
- 8.79 In Broughton specifically, the SHMA (2017) showed it was one of the most expensive areas to live in with prices in 2015 ranging from £185,000 to £200,000. In 2022, the average price paid in the Broughton postcode area (PR3 5) was £365,676 as recorded by Land Registry. This is a significant increase on the 2015 figure, which shows a worsening affordability position. An extract from the Arc4 presentation in September 2022 during a Developer's Forum hosted by Central Lancashire, shows that the north of Preston (which includes Broughton) is the least affordable area.

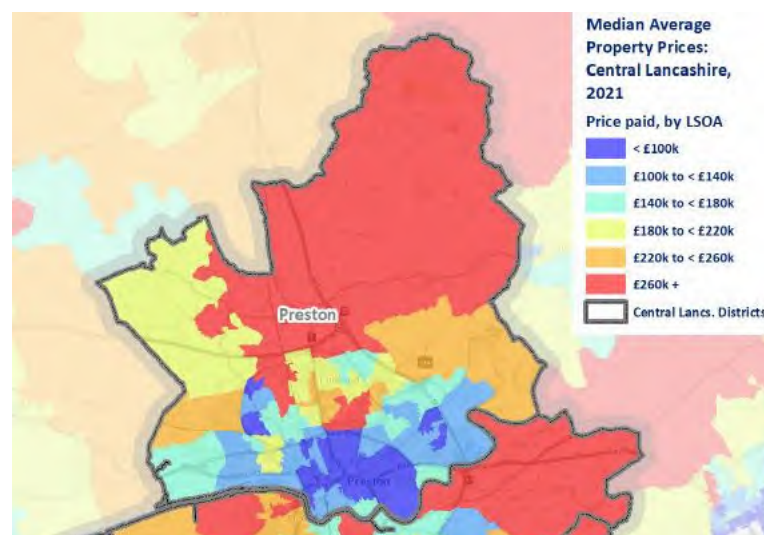


Figure 9- Heat Map of affordability in Central Lancashire

- 8.80 In terms of tenure split, the latest evidence prepared by Arc4 (2022) has suggested a tenure split of 68% of all affordable products to be 'affordable rent' and 32% to be First Homes and affordable home ownership products (e.g., shared ownership). The DLP Housing Study (2022) also highlights that there is a specific need for affordable home ownership products which was evidenced in the 2021 household survey.
- 8.81 The Icen report suggested that providing affordable homes in Preston would make new housing more accessible to people on lower incomes in particular. It found a "clear and acute need for rented affordable housing from lower income households" and that it was important that a supply of rented affordable housing is maintained to meet the needs of this group including those to which authorities have a statutory duty. The report states that analysis identified between 29% and 33% of the group of households unable to afford market housing to rent fall in the gap between the market and 80% of the market depending on location. It suggested that provision for supporting home ownership should focus on shared ownership homes. The report states that Councils should have regard to the housing report in negotiating affordable housing on schemes.
- 8.82 The older published SHMA report by GL Hearn (2017) found that provision of affordable home ownership should be more explicitly focused on delivering smaller family housing for younger households.
- 8.83 Based on the above evidence, Hollins Strategic Land have reviewed their offer for affordable housing as brought forward as part of this development. This revised application will deliver 40% of all units as affordable with a suggested tenure split of 68% affordable rent and 32% affordable home ownership (to include First Homes and Shared Ownership). The proposed tenure will be finalised and agreed through discussions with the Housing Officer to whom we extend an invitation to discuss a positive response to affordable needs on the scheme through the application process based on the latest evidence. We also wish to discuss enhanced design standards for new homes (accessible, adaptable and wheelchair provision), in line with the latest evidence, as detailed further in this statement.

Accessible and Adaptable M4(2) and Wheelchair M4(3) Needs

- 8.84 The Arc4 HNDA (2022) report identifies a need for 4% of new homes in Preston to be M4(3) wheelchair accessible with all other properties to be M4(2) standard. The Icen Housing Study (2020) considered that it would be sensible to design housing so that it can be adapted to a household's changing needs over time and recommended a third of all new housing is delivered to M4(2) standards; these homes are also considered 'Homes for Life'. The study also identified a projected increase in the population in Preston with a range of disabilities (+44.1% with dementia and +40.1% with mobility problems). The 2020 study also found an unmet need for wheelchair user dwellings in Central Lancashire of around 3% of households, equivalent to 1,100 homes (in Central Lancashire) or 421 homes in Preston.
- 8.85 The proposed development offer will assist with directly meeting these needs in a sustainable location, close to services, facilities and public transport, meaning those with disabilities do not need to travel far. The provision of higher accessibility standards is feasible as the site is generally flat with level access to good quality footpaths on Garstang Road and no difficult inclines.

Needs for BAME Households

8.86 The Arc4 HNDA (2022) report states there is a need in Preston for 7.5% of new homes to be larger with 4 bedrooms, and 1.1% to have 5 or more bedrooms to meet the needs of identified larger families, particularly those from the Asian community. The proposed development will assist with meeting the needs of these households.

Self-Build Accommodation

8.87 Under Section 1 of the Self Build and Custom Housebuilding Act 2015⁸, Local Authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building.

8.88 Local Authorities have a responsibility to maintain a self-build and custom housebuilding register. The register must include the following information on the register;

- The name and address of the association;
- The name and address of the lead contact;
- The number of serviced plots of land in the relevant authority's area the members of the association are seeking to acquire

8.89 To inform this re-submission, we have reviewed and assessed the specific self-build demand within Preston. The number of interests in Preston have gradually increased in line with the national trend. In the UK as a whole, there are over 35,000 people registered on the right to build register (with over 415 registered in the last month).

8.90 IcenI undertook a review of the Self Build register across Central Lancashire. Within Preston, there are a total of 25 expressions of interest in the period 2016-2019. It is important to highlight that only 1 in 8 people interested in self-build were aware of the introduction of Right to Build Registers in England⁹. It is widely acknowledged that the number of people registered on Self Build databases will likely be lower than the actual demand given the effort and cost associated with registering.

8.91 IcenI estimated a potential need of 2,292 serviced plots in Preston alone, supported by evidence from the National Custom and Self-Build Association (NaCSBA) which indicated 1 in 50 of the adult population across the country would want to purchase a custom or self-build home over the next 12 months. The report suggested Councils should promote and encourage the submission of land which is suitable for self-build and custom housebuilding.

8.92 In addition, it's prudent to look into secondary data sources to understand the fuller picture. Evidence from Buildstore PlotSearch¹⁰ found that in Preston, 148 people are registered to build with a further 468 subscribers.

8.93 The increase compared to the official self-build registers and the secondary datasets confirms that there is an increased demand for serviced plots within Preston. Whilst there is no evidence to support this hypothesis, it is well acknowledged that over the

⁸ [Self-build and Custom Housebuilding Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/22/section/1)

⁹ Ipsos Mori 'Survey of Self Build Intentions 2016' – this survey questioned nearly 2,000 people about their self-build ambition and activity

¹⁰ Buildstore PlotSearch is a free to subscribe service which records opportunities for those looking to find a serviced plot of land to build on.

Covid-19 pandemic, people had more time to consider their home circumstances and aspirations for the future. There may be trends to correlate that more people are looking into self-build prompted by a desire to have more space and control over their immediate surroundings.

- 8.94 All the evidence presented above confirms that there is a specific demand for self-build plots within Preston which has increased since the introduction of the register.
- 8.95 In order to respond to the growing demand, Hollins Strategic Land have committed to allocating up to two plots as self-build plots, subject to discussions and agreement with Housing Officers. These plots could be allocated as self-build for a period of 12 months (or as agreed with the LPA). If there is no interest following the expiry of this time period, then the developer would reserve the right to build these out for market sale. This arrangement would not reduce the provision of affordable housing on site as this would be calculated including the self-build plots. The details, trigger points and fall back positions would be agreed through a S106 agreement with the Council.

The Planning Balance

- 8.96 The above chapter has set out the principle of the development and interrogated the relevant policies and material considerations. The overarching planning argument is based on the following factors:
1. Broughton as a settlement has changed considerably since the adoption of the Development Plan. It now, more than ever, represents a sustainable location for growth and this has been confirmed by the Inspector and the Council themselves. No capacity issues exist.
 2. Whilst Broughton is at the lower end of the settlement hierarchy (in the adopted Local Plan), as set out in point 1, it still constitutes an appropriate location for some growth. Furthermore, other settlements within the same classification have undergone considerable growth and expansion over the plan period suggesting that the hierarchy does not reflect the current situation. Indeed, the settlement boundaries themselves have become superseded by events.
 3. Preston City Council have themselves acknowledged the changing nature of Broughton, and the capacity to accommodate growth through the promotion of Broughton in the settlement hierarchy to Local or Rural Centre in the Emerging Local Plan. Furthermore, the proposed allocation of 110 homes demonstrates the need for residential development in Preston and the ability of Broughton to accommodate such growth. The proposed development is for just 51 dwellings on a well-contained site close to services and facilities.
 4. The growth experienced within Broughton has overtaken all other settlements studied, suggesting that the town better represents a higher order settlement.
 5. The proposed development would not have any impact on the area of separation or the open countryside as agreed by the Council and statutory consultees.
 6. Using the Neighbourhood Plan narrative, the site would follow the same logic that was used by the Parish to allocate sites for development given its minimal impact on the area of separation and the 'rounding off' of the settlement boundary.
 7. Notwithstanding Policy 1 of the Core Strategy, there are limited opportunities for development where it responds to an identified need.

8. The proposed development has been amended to incorporate specific accommodation types which respond to the localised need for affordable products, housing for the over 55's, accessible and adaptable wheelchair units and self-build plots.
- 8.97 Considering the above, it is necessary to weigh up the 'planning balance' of the proposed development in line with the NPPF guidance. It is noted that a full overview of the technical elements of the scheme are provided in the following section. However, as these exactly follow the previous submission, all conclusions reached by the statutory consultees through the determination of application 06/2021/1104 stand true and are material considerations.
- 8.98 It has been demonstrated through this application and the documentation that the only 'harm' arising from the development in the view of the Council is the location of the development in line with Policy 1 of the Core Strategy. We have set out a strong and compelling argument through this statement to challenge this view and suggest that even though the settlement hierarchy directs growth elsewhere, this site, and Broughton as a whole, still reflects a sustainable location for a housing development.
- 8.99 We have demonstrated that whilst the development would be outside the settlement boundary, given the changing context since the drawing of the boundary, the scheme would not cause a major extension, and would instead 'infill' the southern arc of development which has been created by appeal decisions at Sandy Bank Lane and Key Fold Farm.
- 8.100 Furthermore, it has been accepted by the Local Authority that the proposals would have no impact on the area of separation. We have challenged the impact that the scheme would have on the 'open countryside' and whether this nomenclature is even appropriate given the changing context of Broughton and the site vicinity.
- 8.101 The revised scheme has been amended in direct response to a localised need of affordable housing, accommodation for over 55's, adaptable and accessible wheelchair units and self-build plots. All of these tenures have been demonstrated to have an acute (and growing need) within Preston. Amending the scheme to respond to such localised need thus complies with the clauses of Policy 1 of the Core Strategy and indeed is the emerging policy direction which can be given some weight.
- 8.102 On balance, it is our firm view that the proposed development delivers substantial public benefit which outweighs the limited harm arising from the location of the development (a position which we have challenged throughout this statement). The specific circumstances applicable to the proposals are unique and specific to the site, particularly given the changing context around the site, the proposed housing offer, as well as there being no technical issues arising in which to prevent development.
- 8.103 Given the benefits arising, and the material considerations set out in this statement, it is our view that the development is sustainable and meets the aspirations of the Development Plan. On this basis, it is our view that the benefits arising from the development should warrant planning permission being granted.

9. Technical Assessment

- 9.1 The following section of this statement sets out the technical assessment of the proposals in line with the relevant planning policies and guidance. It acknowledges the positions agreed with the statutory consultees through application 06/2021/1104 and confirms if/what planning conditions the applicant would be willing to accept.

Ecology and Biodiversity Net Gain

- 9.2 Through the preparation of application 06/2021/1104, ERAP prepared an ecological assessment and accompanying Biodiversity Net Gain Assessment. The report was reviewed in December 2022 to ensure an up to date position was provided for this revised submission.
- 9.3 The reports found that the site was a suitable location for development, and subject to the appropriate implementation of the landscape and ecological management tools, a biodiversity net gain of 33.34% for habitats and 10.44% for hedgerows could be achieved.
- 9.4 This was reviewed by GMEU and Natural England through the consideration of the original application and no objections were made. GMEU requested conditions relating to tree protection measures, external lighting, vegetation clearance (and timing of this), and Amphibian Reasonable Avoidance Measures as well as submission of biodiversity enhancement measures. Hollins Strategic Land accept the appropriate wording of these conditions.
- 9.5 **On this basis, it is considered there are no ecological reasons why planning permission should not be granted.**

Flood Risk and Drainage

- 9.6 Enzygo prepared a flood risk assessment (FRA) to support the previous application.
- 9.7 Their report concluded that the site is within Flood Zone 1 and the risk of flooding (both on site, and elsewhere as a result of the development) is low.
- 9.8 The report considered the potential impact of development on surface water runoff rates, given the increase in impermeable areas post development. These rates were calculated and considered acceptable subject to installing appropriate attenuation facilities.
- 9.9 As part of the original application, comments were made by the LLFA. They raised no objections subject to the application of conditions which require the submission of detailed SUDs design. The applicant will accept a suitably worded condition to secure this detail.
- 9.10 **On this basis, it is considered there are no flood risk or drainage reasons why planning permission should not be granted.**

Ground Conditions

- 9.11 Brownfield Solutions prepared a Phase 1 site investigations report to support the original application. This report identified two potential contamination sources on site; a

potentially infilled pond and an electricity substation. There was also one off-site source of more potentially infilled ponds and a pump.

- 9.12 From the assessment it was concluded that the risk to human health is moderate to low and the risk to controlled waters is low.
- 9.13 Environmental Health confirmed this and raised no objection subject to the conditioning of a Phase 2 assessment. Hollins Strategic Land accept the appropriate wording of these conditions.
- 9.14 **On this basis, it is considered there are no ground contamination reasons why planning permission should not be granted.**

Heritage

- 9.15 To support the application, Kathryn Sather Associates (KSA) prepared a heritage assessment given the location of nearby listed buildings. The assets, (Grade II listed Bank Hall/Bank Hall Farm and the War Memorial at Pinfold) were considered to have a medium level of significance.
- 9.16 The proposed development and the siting of its built element, with significant open space and landscaping buffers along the south, does not form a part of any significant views of the assets. The proposed development constitutes a negligible magnitude of change to the heritage assets.
- 9.17 Following the heritage assessment methodology, the significance of a change of a negligible magnitude to a heritage asset of medium value would constitute a neutral/slight impact, which could be either adverse or beneficial. Overall, the heritage statement concludes that the proposed development would have a neutral impact on the setting of the heritage assets.
- 9.18 **On the basis of the above, there is no heritage or conservation reason which would mean that planning permission cannot be granted.**

Landscape and Visual Impact

- 9.19 SLR prepared a Landscape and Visual Impact Assessment (LVIA) to support the original application.
- 9.20 The Landscape Strategy for Lancashire classifies the site, and land to the north, south and west of the site, as part of 'The Flyde'. The site does not strongly align with many of the key characteristics as the recently consented residential developments make the landscape more influenced by urban features. The appraisal has concluded that the landscape effects resulting from the proposed development would be highly localised and no higher than moderate. Negative effects would be limited to the site itself. All other effects on character outside of the site would be neutral in nature.
- 9.21 The effects on the landscape character areas in the locality of the site would be negligible and neutral overall, since the site is already characterised by residential development and effects would be predominantly localised as existing and consented residential development, along with existing and proposed vegetation, would mostly screen the development.
- 9.22 The effects on the landscape character areas in the locality of the site would be no more than minor or neutral, since the landscape is already characterised by residential development and effects would be localised as existing and proposed vegetation,

along with existing and consented residential development, would mostly screen the proposed development. Of the viewpoints studied, the development would be not visible from 5 (of the 15 viewpoints) in year 1 and by year 15, the development would not be visible from 8 of the viewpoints.

- 9.23 The visibility of the site by pedestrians and cyclists in year 1 would be major/moderate but the proposed landscaping would provide high levels of coverage to the site.
- 9.24 Overall, the impact of the proposed development on the surrounding landscape was considered to be acceptable recognising the low resultant impact. This was confirmed by the Council's landscape officer through the determination of the previous application as they raised no objections to the proposals.
- 9.25 Overall, there is no landscape and visual reason why planning permission should not be granted.

Highways

- 9.26 As part of the previous application, Stantec undertook a transport assessment to support the submission, this has been reviewed and updated as necessary to support this re-submission. As part of their assessment, they reviewed the accident records and collision data. The data found that over the 5 year period from 2016 to 2020, there was not an inherent highway safety concern regarding the existing highway network.
- 9.27 As part of the proposed development, vehicular, pedestrian and cycle access to the site would be taken from Garstang Road. The proposed access will be a simple priority junction on Garstang Road located on the eastern boundary of the site. It has been demonstrated that the requisite visibility splays can be achieved, and the access can be developed in line with the technical standards.
- 9.28 The proposed parking will be in line with the Preston City Council's Local Plan. The details of this would be secured through a forthcoming reserved matters application.
- 9.29 In terms of trip generation, the survey work undertaken by Stantec confirmed that the proposed development would only generate 30 trips would be generated during a weekday morning and 35 trips would be generated at a weekday evening at peak hour. This level of trip generation would have no material impact on the existing highway.
- 9.30 The proposed highway arrangements and resultant impact of the development were reviewed by the County Highways department through the consideration of the previous application.
- 9.31 As part of their comments, County Highways initially raised concerns around the proposed development and requested further information to confirm the safe and suitable access to the site.
- 9.32 Through the consideration of the application, the applicant provided further justification and survey work which led County Highways to withdraw their objection. Following the withdrawal, County Highways accepted the proposed development subject to the application of suitable conditions. Furthermore, Highways England requested a Travel Plan was conditioned as part of any consent.
- 9.33 The applicant will accept the appropriately worded conditions meaning there is no highways related reason why planning permission cannot be granted.

Trees

- 9.34 To support the application, AWA Tree Consultants undertook a condition survey of the site to understand if/what tree constraints were present at the site. The tree survey took place during May 2021. The trees were surveyed visually from the ground using "Visual Tree Assessment" techniques and in accordance with the guiding principles of British Standard 5837:2012. Any additional off-site trees that could impact a new development design have been included in the tree survey parameters.
- 9.35 The tree survey revealed 49 items of woody vegetation, comprised of 36 individual trees and 13 groups of trees or hedges. Significant tree cover is comprised of the large mature trees situated in and adjacent to the boundary hedges. As the surveyed area is a managed farm field, there is nothing of arboricultural significance in the central areas of the site.
- 9.36 The report found that species diversity is reasonable. The dominant species is Oak, with occasional Sycamore, Lime and one Walnut. The boundary hedge groups are predominantly comprised of Hawthorn, with occasional Ash, Blackthorn, Elder and Holly. There was good age diversity, with a mix of semi-mature trees and hedges and mature trees. The tree Root Protection Area (RPA) for each tree has been plotted as a polygon centred on the base of the stem.
- 9.37 The Greater Manchester Ecology Unit (GMEU) raised no objections in relation to trees, subject to appropriate conditions securing the tree removal details.
- 9.38 **On the basis of the above, there is no arboricultural reason why planning permission should not be granted.**

Education

- 9.39 Whilst no report was submitted as part of the original application, the Council's education consultees requested S106 payments to contribute to school places arising from the development.
- 9.40 They suggested that the development would need to contribute towards 19 primary school places and 8 secondary school places. This was on the basis of all 51 units being 4 bedrooms. Given this is an outline application and the exact residential mix is not known and recognising the change in tenure as proposed by this revised submission, Hollins Strategic Land will engage with the LPA and the education department to secure an appropriate S106 obligation through the determination of the application.
- 9.41 **On the basis of an appropriate s106 obligation being secured, there should be no reasons relating to education why planning permission cannot be granted.**

10. Conclusion

- 10.1 This planning statement has been prepared on behalf of Hollins Strategic Land to support the revised submission for proposed development on land to the west of Garstang Road. This application follows the refusal of planning permission in January 2022 (reference 06/2021/1104) for:

Outline planning application seeking approval for access only for residential development for up to 51no. dwellings (including affordable housing, First Homes, accommodation for over 55's, accessible and adaptable wheelchair units and self-build plots) with associated works (all other matters reserved)

- 10.2 The revised application is submitted within the 12 months following the initial decision, therefore qualifying for the 'free go'¹¹ (as established under paragraph 40 of the Planning Application Fees guidance).

- 10.3 In their consideration of the previous application, the Council refused the scheme on the basis that Broughton was a lower order settlement and was not an identified area for growth as set out in the Central Lancashire Local Plan. Preston's reason for refusal was:

The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.

- 10.4 This revised application relies upon agreed parameters and technical agreements and provides a more varied housing offer which further increases the accruable benefits of the scheme.

- 10.5 This statement has set out how Broughton as a settlement is changing and has grown considerably since its original 'nuclei'. Data confirms that over 1,300 new homes have been approved in the Broughton parish area since the Development Plan was adopted. This is the highest level of growth of any of the other settlements identified in the settlement hierarchy. The data, coupled with the confirmation by Inspector Manning through the determination of the Sandy Gate Lane appeal, confirms that Broughton as a settlement is a sustainable location for growth.

- 10.6 It has been demonstrated that the proposed development would have no impact on the Area of Separation, or the surrounding landscape (and this is accepted by the Council through their previous assessment of the proposals). Furthermore, the criteria set out by the Neighbourhood Plan, in our view applies here. In the Neighbourhood

¹¹ <https://www.gov.uk/guidance/fees-for-planning-applications>

Plan, they state that the allocated sites would cause a limited impact on the countryside and would 'round off' the settlement boundary. We note that this site is not allocated under the Neighbourhood Plan, however, we have presented maps and evidence to confirm that the same site selection objectives can be made with this application site, and therefore the location of development is suitable and acceptable.

- 10.7 A detailed assessment of the localised need has been undertaken to understand how the scheme can best respond to local requirements. As such, the amended proposals include affordable housing (noting the acute need for rented tenures across Preston), accommodation for the over 55's (again recognising the specific need and the growing ageing population), and self-build plots. The amended proposals also positively respond to the latest evidence on BAME households and wheelchair users. These factors combine to present a development scheme which responds to a specific and identified local need as required by Policy 1 of the Core Strategy and EN1 of the Local Plan.
- 10.8 The baseline technical assessment work remains consistent with the previous application. As such, the conclusions that were made by the consultees through the consideration of the previous application stand true and constitute material considerations. On this basis, there are no technical reasons which would generate significant harm capable of outweighing the planning benefit of the scheme.
- 10.9 Overall, the revised submission has directly responded to the reason for refusal and identified specific areas of acute need within Preston. The scheme seeks to reduce perceived harm identified by the Council and promote benefits due to the proposed accommodation provision.
- 10.10 Given the benefits arising, and the material considerations set out in this statement, it is our view that the development is sustainable and meets the aspirations of the Development Plan. On this basis, it is our view that the benefits arising from the development should warrant planning permission being granted.

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party. Any such party relies on this report at their own risk.

© Report copyright of NJL Consulting

www.njlconsulting.co.uk

APPENDIX 1: PLANNING POLICY SCHEDULE

Appendix 1: Assessment of the Scheme in Policy

Central Lancashire Core Strategy (July 2012)	Description	Assessment of Compliance
Policy 1: Locating Growth	<p>This policy seeks to concentrate growth and investment on well-located brownfield sites in Preston. It states:</p> <p>“(f) In other places – smaller villages, substantially built up frontages and Major Development 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.”</p>	<p>An assessment of compliance regarding Policy 1: Locating Growth of the Central Lancashire Core Strategy (CLCS) is noted in further detail within the Planning Statement.</p>
Policy 3: Travel	<p>The policy details that the best approach to planning for travel involves a series of measures including the improvement of pedestrian and cycling facilities through safe and secure urban and rural footways and paths linking with public transport and other services, and completing the Central Lancashire Cycle Network of off-road routes supplementing this with an interconnected system of on-road cycle lanes and related road junction improvement. It also indicates the need to improve road networks including the bypass of Broughton.</p>	<p>The scheme proposes the same site layout as in the original application (App no. 06/2021/1104). Access into the site will be from a new junction onto Garstang Road that passes the dedicated cycle and pedestrian access, providing a visibility splay suitable for vehicular access onto a 20mph Road. A separate cycle lane and pedestrian access will also be provided to the Guild Wheel that passes along the northern boundary of the development. Following comments from County Highways on the previous application, radii curbs have since been added to the northern proposed access. Such improvements to provisions will</p>

Appendix 1: Assessment of the Scheme in Policy

		enable safe access to and from the site, linking with the wider local area to provide an effective network of transport links. The proposed access to the site was assessed by the LPA's consultees and considered acceptable through the determination of the previous application.
Policy 4: Housing Delivery	Seeks to provide for and manage the delivery of new housing by applying a minimum requirement of 507 dwellings pa in Preston specifically, with prior under-provision of 702 dwellings also being made up over the remainder of the plan period equating to a total of 22,158 dwellings over the 2010-2026 period (across all 3 councils in Central Lancashire).	The proposal will deliver a total of 51 dwellings in Broughton, providing a substantial number of new homes within the target area of Preston and therefore adhering to the provision of dwellings in meeting the housing target as set out in the Central Lancashire Core Strategy (CLCS). These are to meet localised needs for the following sectors: market sale, affordable, over 55s accommodation, and self-build plots.
Policy 5: Housing Density	It states that authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. Suburban and rural locations in Central Lancashire typically equate provide 25-35 dph, with different densities appropriate across different areas. Although, national policy no longer sets out an indicative minimum density of 30 dph, there may be other situations such as in rural	The proposed development will deliver a density of 30 dwellings per hectare. This is a result of the reduced development area arising from the site constraints. This accords with the density previously proposed which was considered acceptable by the LPA. Although there are no specific density requirements for 'other places' as detailed in Policy 1 of the CLCS, it would provide a sufficient dph given the locality and 21 dph average for sites in 'other places' as per the Central Lancashire Housing Density Study (October 2022).

Appendix 1: Assessment of the Scheme in Policy

	settings where the site's context and the character of the surrounding area would justify a development with a lower density.	
Policy 6: Housing Quality	Requires that the delivery of good quality new housing is a priority that can be achieved by applying the 'Building for life Standards', 'Lifetime Home Standards', 'Code for sustainable Home's, raising the standard of private sector housing, and preparing and using a Design Guide SPD.	As this is an outline application, the detailed design will be provided through any forthcoming Reserved Matters applications. However, the proposals will seek to deliver high quality design as required by the NPPF and the Local Planning Policies.
Policy 7: Affordable and Special Needs Housing	Indicates that there is a growing need for affordable housing, with an emphasis on socially rented and intermediate types. The policy states that to enable sufficient provision of affordable and special needs, "35% of rural areas on sites in or adjoining villages which have a suitable range of services" should be meet this figure within housing market schemes to meet existing and future needs. It also that's that suggests that when delivering affordable housing there needs to be a suitable mix of housing types and tenures to suit the needs of the population to access affordable homes, as per the SHMA (Strategic Housing Market Assessment).	The revised application proposes a 40% affordable provision and therefore exceeds the requirements of Policy 7 of the CLCS.
Policy 14: Education	It states that education requirements are provided by asking developers to contribute towards the provision of school places where	Developer contributions for education are secured by means of conditions attached to planning permission, a planning obligation under Section

Appendix 1: Assessment of the Scheme in Policy

	<p>their development would result in or worsen a lack of capacity at existing schools.</p>	<p>106 of The Town and Country Planning Act 1990, or the Community Infrastructure Levy (CIL). County Education previously made a claim for the applicant to financially contribute to the provision of 19 primary school places (318,249.24) and 8 secondary school places (184,494.00), based on the assumption that all of the proposed 51 no. dwellings would have 4 bedrooms. Should this not be the case, a reassessment will be required at reserved matters stage and could result in a reduced contribution for school places. Should planning permission be granted the Section 106 Obligation shall include a methodology for calculating the contribution for education based on the number of bedrooms per dwelling.</p>
<p>Policy 16: Heritage Assets</p>	<p>The Council demonstrates the importance of protecting and conserving historic assets. It promotes opportunities to enhance the historic environment, heritage assets and their settings by protecting and enhancing the local character, setting, management and historical significance of assets, as well as safeguarding heritage assets from inappropriate development that would cause harm to their significance.</p>	<p>Three heritage assets have been identified in the locality of the application site, including the Grade II listed Bank Hall/Bank Hall Farm, War Memorial and Pinfold. These are all assessed as having a medium level of significance. As the design/layout of the scheme will not alter from the original proposal, the heritage statement that formed part of the previous application would thereby remain valid. As the report states that the proposed development would have a neutral impact on the setting of heritage assets given it constitutes a negligible magnitude of change to the heritage asset, no undue impact is anticipated and therefore it would comply with Policy 16.</p>

Appendix 1: Assessment of the Scheme in Policy

<p>Policy 17: Design of New Buildings</p>	<p>The policy states that the design of new buildings will be expected to take account of the character and appearance for the local area, including the sitting, layout, massing, scale, design, materials, building to plot ratio and landscaping. It also makes provision for the needs of special groups in the community such as the elderly and those with disabilities.</p>	<p>As outlined above, the application is Outline so the detailed design will be agreed through any forthcoming reserved matters applications. The design will take account of the local character and appearance and will be accessible to all residents.</p>
<p>Policy 18: Green Infrastructure</p>	<p>Highlights the need to manage and improve environmental resources through a Green Infrastructure approach to protect and enhance the natural environment where it already provides economic, social, and environmental benefits. A positive design of the Green Infrastructure network should create habitat linkages and reduce habitat and species fragmentation and isolation, and provide good quality, inclusive and sustainable 'green wedges' and open spaces within and throughout the urban core of the sub-region.</p>	<p>The proposal seeks to provide a quality network of tree planting, community space, and associated landscaping on-site, and will link in with the existing 'green wedge' and between the settlement of Broughton to the north and Preston urban core to the south.</p>
<p>Policy 19: Areas of Separation and Major Open Space</p>	<p>Emphasises the need to protect the identity, local distinctiveness and green infrastructure of areas of open countryside between certain settlement. These are otherwise known as Areas of Separation and include Broughton.</p>	<p>An assessment of compliance regarding Policy 19: Areas of Separation and Major Open Space is noted in further detail within the Planning Statement.</p>
<p>Policy 21: Landscape Character Areas</p>	<p>Given the landscape is important in the way that it contributes to an area's distinctiveness and key activities, the policy states the need for</p>	<p>A Landscape and Visual Assessment (LVA) has been submitted as part of this application and concludes that the landscape effects resulting</p>

Appendix 1: Assessment of the Scheme in Policy

	<p>new development to be well integrated into existing settlement patterns, appropriate to the landscape character type and designation.</p>	<p>from the proposed development would be highly localised, no higher than moderate/negative, and limited to the site itself. All other effects, outside of the site, would be neutral in nature. The submitted parameter plan and indicative layout plan indicate that hedgerows and trees could be retained and incorporated into the layout to reduce the impact of the proposal. Should planning permission be granted, further details of the landscaping will be agreed through any forthcoming reserved matters applications.</p>
<p>Policy 22: Biodiversity and Geodiversity</p>	<p>Indicates that development should converse, protect and seek opportunities to enhance and manage the biological and geological assets of the area by safeguarding geological assets, conserving, enhancing and expanding ecological networks, and promoting and conserving biological diversity</p>	<p>An Ecological Survey and Assessment was provided as part of the original application as a supporting document. It demonstrated that the scheme is to facilitate a 33.34% enhancement for habitat units and 10.44% for hedgerow units. Accordingly, appropriate measures and recommendations will also be taken to enhance the value of the site, including landscape planting, habitat creation and the application of positive habitat management to achieve measurable gains for biodiversity. No impact is anticipated upon geological assets.</p>
<p>Policy 26: Crime and Community Safety</p>	<p>The policy states that new developments should aim to reduce levels of crime and improve community safety by encouraging the inclusion of Secured by Design principles in new developments such as natural surveillance</p>	<p>The Building for a Healthy Life: A Design Toolkit in the DAS suggests that the scheme proposes strong, well connected, and active streets that offer natural surveillance and will feature buildings that will aid navigation around the development. The</p>

Appendix 1: Assessment of the Scheme in Policy

	within development, good lighting, and the integration of security measures.	road and street structure will be designed to create safe and convenient movement patterns for pedestrians and cyclists. Thus, it is to accord with Secured by Design principles.
Policy 27: Sustainable Resources and New Developments	Indicates that sustainable resources should be incorporated into a development as new dwellings are required to meet Level 6 of the Code for Sustainable Homes (since January 2016). New developments should seek to maximise energy efficiency, achieve zero carbon, and provide appropriate storage space to be provided for recyclable waste materials and composting.	As outlined above, the application is Outline so the detailed design will be agreed through any forthcoming reserved matters applications.
Policy 29: Water Management	In new developments, it details the need to improve water quality, water management and reduce the risk of flooding, minimise the use of potable mains water, encourage the adoption of Sustainable Drainage System and seek to maximise the potential of Green Infrastructure to contribute to flood relief.	The Proposed Sketch Layout submitted as part of this application demonstrates the inclusion of a Sustainable Urban Drainage System sited along the western boundary of the site as part of the revised scheme. A full overview is set out in the supporting FRA.
Policy 30: Air Quality	Stipulates that through the delivery of Green Infrastructure initiatives and when taking prioritising measures to reduce road traffic congestion, air quality can be improved and reduced respectively.	The site does not fall within an Air Quality Management Area and the Environmental Health Officer has previously raised no objections to the scheme in terms of its impact on air quality. Previous officer comments have suggested the attachment of a condition requiring the installation of electric vehicle charging points can be attached to any planning permission.

Appendix 1: Assessment of the Scheme in Policy

Policy 31: Agricultural Land	The policy aims to protect the best and most versatile agricultural land when considering developments such as residential to avoid damage to, and instead achieve the full potential, of the soil.	The application site is Grade 3b and would not to the loss of the highest value of agricultural land.
------------------------------	---	---

Appendix 1: Assessment of the Scheme in Policy

Preston Local Plan 2012-2016 (Site Allocations and Development Management Policies)	Description	Assessment of Compliance
Policy ST1: Parking Standards	Denotes that all developments proposals are to provide car parking and servicing space in accordance with the Parking Standards adopted by the Council. Locations that are accessible to public services and public transport may be considered appropriate for lower levels of provision, whilst proposal for provision above the adopted standards will need to be supported by evidence detailing the local circumstances that justify deviation from the standard.	The application demonstrates that each dwelling will have car parking provisions in the form of garages, private and shared driveways within the curtilage of each plot. Further details of this would be secured through a forthcoming reserved matters application and will be in line Policy ST1 of the Preston Local Plan.
Policy ST2: General Transport Considerations	To ensure that safe and convenient access is afforded to everyone, new development proposals should demonstrate that road safety and efficient movement of all users is maintained; appropriate provision is made for public transport services; appropriate measures are included to facilitate access on cycle or foot; pedestrian and cycle routes are to be extended and protected; and needs of disabled people are provided for.	Stantec undertook a Transport Assessment to support the application. As detailed in Policy 3: Travel of the CLCS, access into the site will be from a new junction onto Garstang Road that passes the dedicated cycle and pedestrian access, providing a visibility splay suitable for vehicular access onto a 20mph Road. A separate cycle lane and pedestrian access will also be provided to the Guild Wheel that passes along the northern boundary of the development. Following comments from County Highways on the previous

Appendix 1: Assessment of the Scheme in Policy

		<p>application, radii curbs have since been added to the northern proposed access. Such improvements to provisions will enable safe access to and from the site, linking with the wider local area to provide an effective network of transport links. The proposed access to the site was assessed by the LPA's consultees and considered acceptable through the determination of the previous application.</p>
<p>Policy EN1: Development in the Open Countryside</p>	<p>Denotes that any development in the open Countryside (as shown on the policies map other than permissible under Policies HS4 and HS5) will be limited to that need for purpose of agriculture or forestry or other uses appropriate to a rural area; the re-use or re-habitation of existing buildings; or infilling within groups of buildings in a smaller rural setting.</p>	<p>An assessment of compliance regarding Policy EN1: Development in the Open Countryside is noted in further detail within the Planning Statement.</p>
<p>Policy EN2: Protection and Enhancement of Green Infrastructure</p>	<p>States that development proposals should seek to protect and enhance existing green infrastructure. Permission in this case will only be granted with proposals which would involve the loss of green infrastructure if there can clearly be shown that the site is surplus to requirements, and the resulting loss of the proposed development would be replaced by better quality and quantity of provisions.</p>	<p>The proposed scheme seeks to provide amenity 10,700sqm of open space/woodland (in excess of a 660sqm on-site minimum requirements), associated landscaping and biodiversity planting. The south of the development area is to contain the highest degree of green infrastructure, with an Ecological Survey and Assessment demonstrating that the scheme is to facilitate a 33.34% enhancement for habitat units and 10.44% for hedgerow units, maintaining feature of value</p>

Appendix 1: Assessment of the Scheme in Policy

		present on site including hedgerows, a pond and bands of shrubs to the site boundaries.
Policy EN4: Areas of Separation	Denotes that there are designated Areas of Separation as shown on the policies map, including the area between the south of Broughton and the north of the Preston Urban Area. Development will therefore be assessed in terms of its impact upon the Separation Area, including harm to the effectiveness of the gap between the settlements, and the degree to which the development proposed would compromise the function of the area in protecting the identity and distinctiveness of settlements.	An assessment of compliance regarding Policy EN4: Areas of Separation is noted in further detail within the Planning Statement.
Policy EN7: Land Quality	Stipulates that new developments should contribute to and enhance the natural and local environment through the remediation and mitigation of contaminated land. Accordingly, any contamination of the land will be addressed by appropriate mitigating measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution, and that the development will not cause the land to become contaminated to detriment of future use.	Brownfield Solutions prepared a Phase 1 site investigations report to support the application. It identified two potential contamination sources on site; a potentially infilled pond; and an electricity substation. There was also a one off-site source of more potentially infilled ponds and a pump. Nonetheless, the assessment concluded that the risk to human health is moderate to low and the risk to controlled waters is low. Environmental Health confirmed this and raised no objection subject to the conditioning of a Phase 2 assessment. Thus, it is considered that there is no reason for ground contamination that should prevent refusal of this planning application.

Appendix 1: Assessment of the Scheme in Policy

<p>Policy EN8: Development and Heritage Assets</p>	<p>The policy states that proposals affecting a heritage asset or its setting will be permitted where they accord with national policy on the historic environment and the relevant Historic England guidance and other policy guidance on the historic environment; make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context; act as a catalyst for any regeneration in the area; and sustain, conserve and enhance where appropriate the character, appearance and setting of a heritage asset, To accompany the application, a Heritage Statement should be provided that fully explains the impact of the proposal on the significance of the heritage assets.</p>	<p>To support the application, Kathryn Sather Associates (KSA) prepared a heritage assessment given the location of nearby listed buildings. The assets, (Grade II listed Bank Hall/Bank Hall Farm and the War Memorial at Pinfold) were considered to have a medium level of significance. Due to sufficient screening measures regarding landscape buffers and open space to the south of the site, the proposed development is considered to have negligible impact upon the heritage assets. As the heritage assessment methodology stated that the significance of a change of a negligible magnitude to a heritage asset of medium value would constitute a neutral/slight impact, there are no heritage reasons which would mean the planning permission cannot be granted.</p>
<p>Policy EN9: Design of New Development</p>	<p>All new development proposals should be designed as set out and explained in the Central Lancashire Design Guide SPD and planning application should be approved if accord with the principles and guidance set out in the SPD, relevant policies in the Core Strategy and national policy. Developments should take the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality design. The application should be accompanied by a satisfactory DAS that gives a sufficient explanation and justification of the</p>	<p>The general design principles of the scheme have been set out in the DAS that supports the application. All matters are reserved other than access and therefore design, scale, layout and landscaping are to be established at a later stage. An indicative site layout plan demonstrates that 51 no. dwellings could be constructed comfortably on-site with required infrastructure and greenspace. The DAS explains and justifies the concept of the scheme which is considered sufficient for an Outline application. Further detail will be provided through any forthcoming Reserved Matters applications.</p>

Appendix 1: Assessment of the Scheme in Policy

	design for the scheme. Where an application is in Outline, the information provided in the DAS should be sufficient to explain and justify the concept of the scheme without the need for further information at reserved matter stage.	
Policy EN10: Biodiversity and Nature Conservation	It encourages the protection, conservation, restoration and enhancement of Biodiversity and Ecological Network resources in Preston. Specific to this application, it gives priority to the ecology of the site and surrounding area such as trees, hedgerows, and ponds. A net gain in biodiversity where possible, the provision of opportunities for habits and species to adapt to climate change, and contributions to habitat restoration are encouraged. Surveys must be carried out when necessary if there is reason to suspect that there may be any protected habitats/species on or close to the proposed development site.	As demonstrated for Policy 22: Biodiversity and Geodiversity of the CLCS, the Ecological Survey and Assessment and Biodiversity Net gain Assessment provided as a supporting document for the application demonstrates that the scheme is to facilitate a 33.34% enhancement for habitat units and 10.44% for hedgerow units. Appropriate measures and recommendations will also be taken to enhance the value of the site, including landscape planting, habitat creation and the application of positive habitat management to achieve measurable gains for biodiversity and encourage the protection, conservation and restoration, and enhancement of the local Biodiversity and Ecological Network. Thus, no ecological and biodiversity related issues are anticipated.
Policy EN11: Species Protection	States that planning permission will not be granted for development that would have an adverse effect on a protected species unless benefits of the development outweigh the need to maintain the population of the species in situ. If a permitted development might have	The Ecological Survey and Assessment highlights that a number of protected species and wildlife including badgers, bats, nesting birds, great crested newts (albeit a survey has come back negative having been recorded in the onsite pond in 2015) and amphibians could potentially be on-

Appendix 1: Assessment of the Scheme in Policy

	<p>an effect on a protected specific, planning conditions or agreement will be sued to reduce any disturbance, facilitate survival of the species affected, and provide adequate alterative habits.</p>	<p>site, as well as vegetation and habitats. GMEU and Natural England reviewed the supporting documents submitted as part of the original application, with the former requesting conditions relating to tree protection measures, external lighting, vegetation clearance (and timing of this), Amphibian Reasonable Avoidance Measures, and submission of biodiversity enhancement measures. These will be able to protect species, vegetation and habitats that could be impacted by the proposed development. Hollins Strategic Land accept the appropriate wording of these conditions.</p>
<p>Policy HS3: Green Infrastructure in New Housing Developments</p>	<p>Denotes that all new residential developments resulting in a net gain of dwellings will be required to provide sufficient public open space (including access to sport, recreation and open space facilities, including children's play) to meet the recreational needs of the development in line with provision standards. If these standards are not achieved by virtue of the development itself, developer contributions will be sought by the Council to accommodate for the shortfall in provisions.</p>	<p>Although the Outline application has provided an explanation and justification of the general principles of the scheme such as open space on the site layout plan, further details are to be clarified as part of a reserved matters application.</p>

Appendix 1: Assessment of the Scheme in Policy

Broughton Neighbourhood Development Plan	Description	Assessment of Compliance
Policy NE2: Visual Impact of New Development	The policy states that visual impact of new development particularly on the edge of the defined settlement boundary of Broughton when viewed from approaching routes should be minimised by landscape screening and tree planting. Any housing seen from outside the village should therefore softened and screened by trees and hedgerows, emphasised in an AECOM report whereby it describes Broughton as an 'enclose created by mature tree cover focused around residential area'.	As the settlement of Broughton is sited north of the application site, Garstang Road travelling northbound would be deemed the 'approaching route'. Given the scheme proposes the planting of trees and hedgerows along the perimeter of the site and within groupings to the open space area in the southern element of the site, landscape screening will minimise any visual impact of the development when viewed along Garstang Road. Thus, the scheme would accord with Policy NE2 of the Broughton Neighbourhood Plan
Policy RES1: Broughton Village - Housing Development Sites as an Extension to the Defined Settlement Boundary	Outlines that small-scale housing developments will be permitted on 3 key sites within an extended settlement boundary of Broughton. Other proposed developments within designated Open Countryside will be heavily restricted in accordance with Central Lancashire Core Strategy Policies 1 and 19, and Preston Plan Policies EN1 and EN4.	An assessment of compliance regarding Policy RES1: Broughton Village - Housing Development Sites as an Extension to the Defined Settlement Boundary is noted in further detail within the Planning Statement.
Policy RES2: Broughton Village Housing Mix	States that residential development of more than 10 dwellings shall provide a range of housing to meet local needs as identified in the latest objectives assessment of local housing needs. As per Preston Local Plan policy, a	The detailed housing mix would be discussed and agreed through a Reserved Matters Application.

Appendix 1: Assessment of the Scheme in Policy

	minimum of 30% affordable housing units are required.	
Policy NE3: Drainage	Denotes that sustainable drainage schemes shall be used to drain land wherever possible for new development to limit run-off into drains and sewers, and to ensure poor drainage does not restrict any use of Public Right of Ways. SUDS can also provide additional opportunities for wildlife and introduce attractive features into the landscape.	The layout plan for this Outline application details the introduction of a SUDS along the western boundary of the site, abutting the area of restrictive development. Although comments were made by the LLFA, they raised no objection subject to the application of conditions which require the submission of detailed SUDs design. A suitable worded conditions will secure this detail.

APPENDIX 2: PLANNING COMMITTEE REPORT

Reporting to Planning Committee Meeting to be held on: 6th January 2022	Electoral Ward Affected Preston Rural East
Report submitted by: Director of Development and Housing	
Application Number: 06/2021/1104	

1 Summary

1.1 Land west of Garstang Road, Broughton, Preston, PR3 5JA

Outline planning application seeking approval for access only for residential development for up to 51 no. dwellings with associated works (all other matters reserved)

Applicant Hollins Strategic Land LLP

Agent Sedgwick Associates

Case Officer James Mercer

2 Decision recommended

Refusal for the reason set out in paragraph 2.1

2.1 Reasons for Refusal

1. The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the Broughton Neighbourhood Development Plan or Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan.

3 Information

3.1 Location

The application site is located to the west of Garstang Road, north of Bank Hall Farm and south of Broughton High School playing fields. The Guild Wheel cycle route passing along the northern boundary of the site, set between the application site and the school playing fields. To the east, the site is bound by Bank Hall Barn, open fields and a site with planning permission for 97 dwellings (06/2016/0736). The application site extends to approximately 2.57 hectares and is located within the open countryside and Area of Separation, as defined by the Policies Map contained within the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies). The site also falls within the Broughton Neighbourhood Development Plan area.

3.2 Proposal

The application seeks outline planning permission for up to 51no. dwellings, and associated works. Vehicular and pedestrian access would be taken from Garstang Road, with further pedestrian and cycle connections to the Guild Wheel to the north. Whilst the application is in outline and layout is a reserved matter, an indicative site plan has been provided, within the Design and Access Statement, which shows how the site could be set out.

Following concern being raised over the impact of the proposal on nearby listed buildings and a request for matters relating to scale, design and layout to be submitted, a Parameters Plan was provided in lieu. The plan sets out the area of site which would be developed with residential development covering 2.69 hectares to the north of the site with areas of public open space and landscaping covering 1.62 hectares to the east, south and southwest, providing a buffer between the site and the nearby heritage assets.

3.3 Relevant planning history

Whilst the site itself has no planning history, applications within the vicinity which are of relevance are as follows:

Land off Sandy Gate Lane

06/2016/0736 – Outline planning application for up to 97no. dwellings (access applied for only) – Refused May 2017. Allowed on appeal April 2018.

Land previously known as Key Fold Farm, Garstang Road

06/2017/0097 – Outline application for residential development for up to 130 houses with access considered – Refused June 2017. Allowed on Appeal April 2018.

3.4 Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development plan comprises:

Central Lancashire Core Strategy

- Policy 1 – Locating growth
- Policy 3 – Travel
- Policy 4 – Housing Delivery
- Policy 5 – Housing Density
- Policy 6 – Housing Quality
- Policy 7 – Affordable and Special Needs Housing
- Policy 14 – Education
- Policy 16 – Heritage Assets
- Policy 17 – Design of new buildings
- Policy 18 – Green infrastructure
- Policy 19 – Areas of Separation and Major Open Space
- Policy 21 – Landscape character areas
- Policy 22 – Biodiversity and Geodiversity
- Policy 26 – Crime and community safety
- Policy 27 – Sustainable Resources and New Developments
- Policy 29 – Water management
- Policy 30 – Air quality
- Policy 31 – Agricultural Land

Preston Local Plan 2012-26 (Site Allocations and Development Management Policies)

- Policy ST1 – Parking standards
- Policy ST2 – General transport considerations
- Policy EN1 – Development in the open countryside
- Policy EN2 – Protection and enhancement of green infrastructure
- Policy EN4 – Areas of Separation
- Policy EN7 – Land Quality
- Policy EN8 – Development and Heritage Assets
- Policy EN9 – Design of new development
- Policy EN10 – Biodiversity and Nature Conservation
- Policy EN11 – Species Protection
- Policy HS3 – Green Infrastructure in New Housing Developments

Broughton Neighbourhood Development Plan

- Policy NE2 – Visual Impact of New Development
- Policy RES1 – Broughton Village – Housing Development Sites as an extension to the defined settlement boundary.
- Policy RES2 – Broughton Village Housing Mix
- Policy NE3 – Drainage

Other Material Considerations:

Central Lancashire Supplementary Planning Documents (SPD)

- Design Guide
- Affordable Housing
- Employment Skills

Open Space and Playing Pitch Strategy

National Planning Policy Guidance

National Planning Policy Framework (The Framework)

National Planning Practice Guidance (NPPG)

National Planning Policy for Waste

National Design Guide

Other Documents

The Conservation of Habitats and Species Regulations 2017

The Wildlife and Countryside Act 1981 (as amended)

Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

3.5 **Consultation responses**

United Utilities: The site overlies the sandstone rock in Groundwater Source Protection Zone 2 & 3; an aquifer, abstracted at depth for public drinking water supply at nearby Broughton boreholes, northwest and southwest of the development. The applicant should follow best practice on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction. Attention is drawn to advice in The Environment Agency's Approach to Groundwater Protection. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions securing a surface water drainage scheme and that foul and surface water to be drained to separate systems should be secured.

Natural England: No comments to make on this application. The Local Planning Authority is advised to obtain specialist ecological or other environmental advice when determining the environmental impacts of the proposed development.

Lead Local Flood Authority (LLFA): No objection subject to conditions requiring: a final sustainable drainage scheme; a construction phase surface water management plan; operation and maintenance plan and verification report of constructed sustainable drainage system. It is also suggested that should planning permission be granted an informative is attached to confirm a planning permission does not grant permission to connect to the culverted watercourse.

County Highways: Initially raised objection as a safe and suitable access to the site had not been demonstrated nor had sufficient detail been provided to show the cumulative impact on the A6 would not be severe. Following the submission of additional information, they identified the need to include 'radii' to the northern access on to the cycle route and removal of hedgerows either side to provide inter-visibility with the Guild Wheel route and the provision of street lighting and drainage to internal cycle routes. In addition, the proposed bus stop upgrades proposed by the applicant would be required. Subject to alteration mentioned they would have no objection subject to the inclusion of appropriate highways conditions.

Highways England: No objection subject to a condition requiring implementation of the submitted travel plan. They do, however, recommend that the cumulative impact on the

M55 Junction 1 of this development along with other approved developments be carefully considered by the Local Planning Authority when considering the application.

County Education: Object to the planning application unless financial contributions for 19 primary school places and 8 secondary school places are secured, based on the assumption that all 51no. dwellings would have 4 bedrooms. Should this not be the case a reassessment will be required at reserved matters stage and could result in a reduced claim for school places.

Greater Manchester Ecology Unit (GMEU): No objection subject to conditions requiring the submission of tree protection measures, details of any external lighting, no vegetation clearance during bird nesting season, the development to be carried out in accordance with Amphibian Reasonable Avoidance Measures and the submission of biodiversity enhancement measures.

Environmental Health: No objection, further to the recommendations of the Phase 1 Desk Study Assessment, an intrusive Phase 2 Geo-Environmental Site Investigation should be undertaken and secured by condition, and electric vehicle charging points and a Construction Environmental Management Plan should be secured by condition.

Parks and Horticulture Services (Landscape): With reference to the submitted Design and Access Statement (DAS), ecology report and heritage statement, the following objectives should be achieved:

- Respecting the setting of the Grade II listed building to the south of the site;
- delivering significant biodiversity enhancements;
- providing public open space;
- accommodating sustainable urban drainage;
- retention of existing trees & hedgerow on all boundaries as far as possible (other than those affected by access); and
- providing connectivity to the Guild Wheel.

The rural edge/leafy character of Broughton should be protected by protecting and widening the existing green frontage of the site, which would also respect the setting of heritage assets and protect the value of the land as a wildlife corridor. The open space at the southern edge of the site will successfully separate the site from existing buildings. The features within the public open space should complement the existing facilities on the King George V playing fields to the north east of the site. The need for the community pavilion is questioned. A detailed soft and hard landscaping scheme will be required at reserved matters stage should permission be granted.

Waste Management: No objection, however the Council do not send waste crew or vehicles to collect from private land, private roads or driveways. Occupiers should not have to move waste containers a distance of more than 25 metres. A Waste Management Plan should be submitted with any reserved matters application to demonstrate that the Council's largest 8x4 chassis refuse vehicle can adequately and safely traverse and turn within the proposed development.

Broughton Parish Council: Object to the proposed development. The comments received can be summarised as follows:

- The site is not designated in the Broughton Neighbourhood Plan;
- The site is within the current “area of separation” – an area that Preston City Council have submitted for the revised Central Lancashire Core Strategy to be retained;
- The site crosses the Guild Wheel/Garstang Road cycle track;
- The proposed development will add traffic to Garstang Road that was narrowed and had a 20mph speed limit (currently unenforceable) when the bypass was built. The village centre has major parking issues already, and this will only exacerbate the issues;
- The site is open countryside;
- The adjoining sites off Sandy Gate Lane and opposite on Keyfold Farm were only granted planning permission on appeal as Preston City Council could not demonstrate a 5 year land supply – which they now can.

Right Honourable Ben Wallace MP: Objects to the proposed development, details of which can be summarised as follows:

- The site is contrary to the Local Plan and the Broughton Neighbourhood Plan;
- The site is not allocated for development;
- The site is within the open countryside and Area of Separation; and
- The open countryside/Area of Separation designation is important to ensuring the character of the village is maintained and not subsumed within north Preston.

Publicity: 10 letters of objection have been received, details of which can be summarised as follows:

- The proposal is contrary to the Broughton Neighbourhood Plan, Local Plan and Core Strategy;
- The development would remove the last open space between Broughton and Fulwood;
- No need for more housing in Broughton;
- Loss of hedgerows and subsequent impact on wildlife;
- Impact on highway safety, in particular users of the Guild Wheel;
- Increase in traffic generation along Garstang Road;
- Impact on nearby heritage assets;
- The proposal fails to take into account the drainage culvert on the site;
- Detrimental impact on residential and visual amenity; and
- Lack of amenities within the village to cater for more residents.

3.6 Analysis

Principle of Proposal

Core Strategy Policy 1 seeks to concentrate growth and investment on well-located brownfield sites in Preston and adjacent to the Key Service Centres. The policy further states that in other places, including smaller villages and substantially built up frontages, development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet a local need.

The application proposes up to 51no. dwellings on a greenfield site outside of the village boundary of Broughton. The application site is not a well located brownfield site, an identified strategic location, within a Key Service Centre or main urban area. Other places, being open countryside locations, such as the application site, are at the bottom of the hierarchy, where Policy 1(f) directs development to be typically small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional needs for a larger scale redevelopment scheme. The application does not propose any of the development listed in Policy 1(f) therefore it is considered the development would be contrary to Policy 1 of the Core Strategy.

Policy EN1 of the Local Plan, along with Core Strategy Policy 1 forms the spatial strategy for growth in Preston. The policy, along with the accompanying Rural Development SPD seek to direct development towards appropriate locations by protecting areas of open countryside from development which fails to meet the criteria in the policy i.e. that which is needed for the purposes of agriculture or forestry or other appropriate rural use, the re-use or re-habitation of existing buildings or infilling within small groups of buildings within smaller rural settlements. Policy EN1 also permits development which accords with either Policy HS4 or HS5 of the Local Plan. A consequence of applying the spatial strategy in Policy 1 of the Core Strategy and Policy EN1 of the Local Plan is that by restricting development in the open countryside to these exceptions the open and rural character of the open countryside is maintained. Whilst this is a consequence of applying the spatial strategy, it is not the purpose of it, the spatial strategy does not seek to protect the open countryside for its own sake.

The location of development is not within a village or settlement boundary and therefore Policy EN1 of the Local Plan applies. Policy EN1 of the Local Plan states that in locations such as those relevant to the application site, development will be limited to that needed for agricultural or forestry purposes (including proposals which help diversify the rural economy), that which is infill, or the re-use or re-habitation of existing buildings. The proposal fails to comply with any of the exceptions stated in Policy EN1, and is not a proposal which accords with Policy HS4 or Policy HS5, as such the proposed application fails to comply with Policy EN1.

Policy RES1 of the Broughton Neighbourhood Development Plan allocates small-scale housing developments at three specific sites and states that “other proposed housing developments within the designated Open Countryside will be heavily restricted in accordance with Central Lancashire Core Strategy Policies 1 and 19 and Preston Local Plan Policies EN1 and EN4”.

The site is not allocated within the Broughton Neighbourhood Development Plan for housing development. As stated above the proposed development is not the type of development permissible under Core Strategy Policy 1 or Local Plan Policy EN1 and so therefore, the development conflicts with Policy RES1 of the Broughton Neighbourhood Development Plan.

Policy 31 of the Core Strategy also seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a) to achieve the full potential of the soil. The application site is Grade 3b and would not lead to the loss of the highest value of agricultural land. The

application therefore would not conflict with Policy 31 of the Core Strategy.

Conclusion on principle of proposal

The proposed development does not comply with Core Strategy Policy 1, Local Plan Policy EN1 and Broughton Neighbourhood Development Plan Policy RES1. A consequence of applying the spatial strategy in Policy 1 of the Core Strategy and Policy EN1 of the Local Plan ensures that by restricting development in the open countryside to the exceptions permitted by those policies, the open and rural character of the open countryside is maintained. Whilst this is a consequence of applying the spatial strategy, it is not the purpose of it, the spatial strategy does not seek to protect the open countryside for its own sake, in that appropriate development is permitted. The proposed development would not conflict with policy 31. The conflict with Core Strategy Policy 1, Local Plan Policy EN1 and RES1 of the Broughton Neighbourhood Development Plan must be given significant weight. Material considerations that may weigh in favour of the development against the conflict will be considered later in the report.

Housing Provision

In July 2018 the revised Framework was first published, with subsequent updated versions published in February 2019 and July 2021. The Framework, along with revised Planning Practice Guidance, introduced the standard methodology as a mechanism to calculate local housing need. Paragraph 61 of the Framework states that strategic policies should be informed by a local housing need assessment conducted using the standard methodology unless exceptional circumstances justify an alternative approach.

Paragraph 74 of the Framework (2021) states that local planning authorities should identify a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements set out in adopted strategic policies, such as Policy 4(a), or against local housing need where the strategic policies are more than five years old (unless the strategic policies have been reviewed and found not to require updating) with an additional buffer of 5% to ensure choice and competition in the market for land.

Policy 4(a) of the Core Strategy seeks to deliver a total of 22,158 new dwellings across the three Central Lancashire districts during the plan period of 2010-2026, which sets a requirement of 507 dwellings per annum for Preston. Up to January 2020 the Council used the Core Strategy housing requirement to assess its housing land supply. However, following continued monitoring of the situation in the period of time following publication of the revised Framework in 2018 and 2019, the Council stopped using the figure in Policy 4(a) of the Core Strategy in January 2020, as it was considered the introduction of the standard methodology represented a significant change in circumstances rendering the figures in Policy 4(a) out of date.

At April 2021 the local housing need figure calculated using the standard methodology is 254 dwellings per annum. Against this figure, at April 2021 the Council can demonstrate a 15.3 year supply of deliverable housing land.

The Council's reliance on the standard methodology has been contested by applicants and on 9 March 2021 the Planning Inspectorate issued its decision in relation to an appeal into a proposal for 151no. dwellings at Cardwell Farm, Barton. The Inspector allowed the appeal and in doing so determined that Core Strategy Policy 4(a) had been reviewed in

2017, and should be considered as up to date. In doing so he rejected the Council's argument that it was entitled to rely upon a 13.6 year supply of deliverable housing land (at that time) using the standard methodology. Having rejected the Council's primary argument, he accepted the common position of the main parties to the inquiry that should the housing requirement in Policy 4(a) of the Core Strategy be up to date, the Council could only demonstrate a 4.95 year supply of deliverable housing land (at that time) and therefore the 'tilted balance' was engaged.

The Council considers in making his decision, the Inspector failed to deal with material considerations which were raised by the Council during the inquiry and which were of considerable importance to the Council's case, in particular whether the introduction of the standard method for calculating housing need represented a significant change in circumstances since the 2017 review of the housing requirements in Policy 4(a) of the Central Lancashire Core Strategy, which justified the use of local housing need to assess housing land supply in Preston. Consequently, the Council has decided to challenge the decision in the Planning Court. On 10th November 2021 the High Court (the Honourable Mr Justice Dove) granted permission, to the Council, to apply for a Statutory Review against the Secretary of State's decision to grant planning permission on Cardwell Farm. Furthermore, the Council maintains its position in relying upon the standard methodology and has presented a case on that basis at a recent hearing of 7 appeals in Goosnargh/Longridge. The decisions on these appeals are awaited.

Whilst, the Inspector's decision at Cardwell Farm is lawful until it is set aside and is a material consideration, there has been another appeal decision recently issued in connection with a site in South Ribble, Chain House Lane, where a similar argument to that rejected at Cardwell Farm was run. Here the Inspector accepted the argument and concluded that for the purposes of that appeal, it was appropriate to calculate the housing requirement against local housing need using the standard methodology due to the significant difference between the local housing need figure and that of Policy 4(a) amounting to a significant change in circumstances which renders policy 4(a) out of date. However, the Chain House Lane decision has also been challenged in the Planning Court though, as above, it is a lawful decision and remains a material consideration until set aside.

The Council considers that the most appropriate figure to use in assessing housing land supply is the local housing need figure and not the Core Strategy Policy 4(a) housing requirement.

As such, the Council maintains its position that by using the standard methodology it can demonstrate a 15.3 year supply of deliverable housing land. For completeness, however, and in view of the conflict surrounding this point, if the Core Strategy Policy 4(a) housing requirement is used to assess housing land supply, as at April 2021 the Council can demonstrate a 6.1 year supply of deliverable housing land.

The tilted balance is therefore not engaged on housing land supply grounds.

Impact on the Area of Separation (AoS)

Policy 19 of the Core Strategy seeks to protect the identity, local distinctiveness and green infrastructure of certain settlements and neighbourhoods by the designation of Areas of Separation and Major Open Space, to ensure that those places at greatest risk of merging

are protected and environmental/ open space resources are safeguarded. In Preston, AoS are designated around Broughton, Goosnargh/Whittingham and Grimsargh. Policy EN4 of the Local Plan states that proposals will be assessed in terms of their impact upon the AoS, including any harm to the effectiveness of the gap between settlements and also the degree to which the development would compromise the function of the AoS.

The application site is located 140m south of the southern boundary of Broughton. The next nearest settlement to the south is the Preston urban area approximately 0.65km away. The Area of Separation runs between these two settlements, and it is not considered the proposed scheme would result in the merging of the Settlements of Broughton and the Preston urban area. As such, it is considered the effectiveness of the AoS gap would be maintained and the identity and distinctiveness of the village preserved. It is therefore considered that the proposal would not cause harm to the effectiveness of the AoS and would not conflict with the above policies. The proposal not conflicting with these policies does not, however, diminish the conflict with Core Strategy Policy 1 and Local Plan Policy EN1, as those policies set out the spatial strategy for growth in Preston.

Impact on Landscape Character and Visual Amenity

The spatial strategy set out in Core Strategy Policy 1 and Local Plan Policy EN1 does not seek to protect the open countryside for its own sake, nor do these policies require an assessment of visual impact. Policy 13 of the Core Strategy requires development to conserve and where possible enhance the character and quality of the landscape. Policy 21 of the Adopted Core Strategy does not seek to prevent development in principle, but does seek to ensure that any development that does take place is compatible with its surroundings, further stating that it should contribute positively to its conservation or restoration or the creation of appropriate new features. The Framework (2021) says that the intrinsic character and beauty of the countryside should be recognised, with the planning system contributing to and enhancing the natural and local environment. It does not seek to protect all countryside from development; rather it concentrates on the protection of “valued” and “distinctive” landscapes, and seeks to encourage development on previously developed land.

Policy NE2 of the Broughton Neighbourhood Plan seeks to ensure the visual impact of new development particularly that on the edge of the defined settlement of Broughton when viewed from approaching routes should be minimised by landscape screening and tree planting.

The term “valued landscape” is not defined, but the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA) advises that ‘value’ can apply to areas of landscape as a whole, or to individual elements, features and aesthetic or perceptual dimensions. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The Landscape Character Assessment identifies this area as within the Lancashire and Amounderness Plain National Character Area, a landscape tract that is composed of a rich patchwork of pasture, arable fields and drainage ditches, on a relatively flat to gently undulating coastal landscape. The site is green field and within the open countryside and an area of separation.

The application is accompanied by a Landscape and Visual Appraisal (LVA) which aims to identify any potential landscape and visual effects of the proposed development within the site's context. The Landscape Appraisal states that the site is comprised of a single arable field and the landscape in which the application site lies is largely influenced by suburban land uses. The site is semi-enclosed due to the predominantly well-established vegetation along the site's perimeter, however gaps in the hedgerows allow for views of the suburban land uses around the site. The LVA states that due to the influence of Garstang Road to the east, and existing and consented residential development along all four boundaries, the application site holds a typical settlement edge agricultural field character; with influences of urban edge characteristics. The LVA concludes that overall, the landscape effects resulting from the proposed development would be highly localised, no higher than moderate/negative, and limited to the site itself. All other effects, outside of the site, would be neutral in nature. The LVA proposes mitigation measures including: retention of existing trees and hedgerows where possible; reinforcement of boundary vegetation with new native shrub planting where there are existing gaps and native trees; proposed native trees, mixed native hedgerow planting and species-rich grassland within the public open space to the south and west.

The submitted parameters plan and indicative layout plan shows where the built development and public open space would potentially be positioned and how the site could be laid out following the creation of a central internal access road. The parameters plan indicates that hedgerows and trees could be retained and incorporated into the layout. The indicative layout suggests that the estate would have a density of development of around 19 dwellings per hectare [dph], increasing to 31 dph when open space is excluded. The Council's Landscape Architect does not disagree with the findings of the LVA, but indicates that the following objectives should be achieved, should planning permission be granted, through any future application for reserved matters: respecting the setting of the Grade II listed building to the south of the site; delivering significant biodiversity enhancements; providing public open space; accommodating sustainable urban drainage; retention of existing trees and hedgerow on all boundaries as far as possible (other than those affected by access); and providing connectivity to the Guild Wheel. The rural edge/leafy character of Broughton should be protected by protecting and widening the existing green frontage of the site, which would also respect the setting of heritage assets and protect the value of the land as a wildlife corridor. The Council's Landscape Architect considers the open space at the southern edge of the site would successfully separate the site from existing buildings and the features within the public open space should complement the existing facilities on the King George V playing fields to the north east of the site. A detailed soft and hard landscaping scheme will be required to be submitted with any future reserved matters submission, should permission be granted.

Taking the conclusions of the applicant's LVA into consideration, it is considered that whilst the proposed development would result in the loss of pasture, the site is well-contained visually and would not have a significant adverse impact on the landscape character of the area due to the site-specific conditions identified in the LVA. Residential development on a greenfield site within the open countryside, regardless of site-specifics, must, by definition cause "harm" but in this instance, that harm would be mitigated by the site-specific conditions and mitigation proposed. As such, it is considered the proposal would not conflict with Core Strategy Policy 13 and Policy 21, Broughton Neighbourhood

Development Plan Policy NE2 and respect the relative aims of the Framework. The proposal not conflicting with these policies does not diminish the conflict with Core Strategy Policy 1, Local Plan Policy EN1 and Broughton Neighbourhood Development Plan Policy RES1, as these policies set out the spatial strategy for growth in Preston.

Heritage Impacts

Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 (LBCA Act) relates specifically to listed buildings and states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

The Framework (2021) states that heritage “...assets are an irreplaceable resource, and should be conserved in manner appropriate to their significances, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

Paragraph 194 of the Framework (2021) requires an applicant to describe the heritage assets affected by a proposal, and that the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

When determining planning applications involving heritage assets, paragraph 197 states that LPAs should take account of:

- a) The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets’ conservation. The more important the asset, the greater weight should be applied, and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to state that any harm to, or loss of, a heritage asset requires clear and convincing justification, and substantial harm to grade II listed buildings should be exceptional, and substantial harm to a scheduled monument should be wholly exceptional.

In terms of Local Policies, Policy 16 (Heritage Assets) of the Core Strategy seeks to protect and enhance the historic environment by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significance; and
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.

Policy EN8 (Development and Heritage Assets) of the Preston Local Plan states that proposals affecting a heritage asset or its setting will be permitted where they make a positive contribution to the character and local distinctiveness through high quality new design that responds to its context, are accompanied by a satisfactory Heritage Statement that fully explains the impact of the proposal on the significance of the heritage asset and sustain, conserve and, where appropriate enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.

The application site sits in close proximity to three Grade II listed buildings; Bank Hall and Bank Hall Farmhouse (this is a single building subdivided and will be referred to as Bank Hall) to the southwest of site, Broughton War Memorial to the southeast and the Pinfold to the northeast of site. A Heritage Statement prepared by Kathryn Sather & Associates Heritage Conservation Consultants was submitted with the application. The report identifies that Bank Hall dates from the medieval period with the listing description identifying the special interest of the building as internal; the medieval timber structure and the later inglenook fireplace. The northern property within Bank Hall is currently undergoing extensive building works, including a large extension, (approved under applications 06/2019/1084 & 06/2019/1085); it is proposed to use the front garden as car parking. The applicant's Heritage Statement concludes that the Bank Hall structure is of national significant as whilst it has undergone extensive external alteration, much of the internal timber-framed structure has been retained, despite the later sub-division of the building. It is historically significant due to the association with the Singleton Family and the Catholic Church during 16th to 18th century and contributed to the physical sub-division of the building and would have a medium level of significance.

The Broughton War Memorial was constructed after the Great War and was designed as a tall wheel-head stone cross set above a flight of stone steps and surrounded by iron railings. This was added to following the Second World War with an area of paving, railings and behind it a sandstone altar, on either side of this were panels for the names of those who had died in the Second World War. Additionally, a 'bench of contemplation' was provided on the opposite side of Garstang Road. Since this time, and the construction of the Broughton by-pass, traffic-calming works have been added to the Garstang Road between the two. The report concludes that this has the additional consequence of visually linking the two parts. The report finds the memorial has both architectural and historic significance, particularly given the associated archival evidence and would have a medium level of significance.

The Pinfold probably dates from and is associated with the turnpiking of the road from Preston to Lancaster, approved by an Act of Parliament in 1751. It is a rectangular stone enclosure, approximately 8 x 10 metres, built to a height of about 1.5 metres of roughly-squared sandstone blocks with rounded copings. There is a gate in the northwest corner with slab sides and a stone lintel which might suggest that it was predominantly for sheep, but there is also an opening in the southeast corner without a lintel. The statement notes that the 1847 OS refers to a Pound (Pinfold) some 100m to the north of the site, showing a small circular structure on the east side of the road adjacent to the Toll Cottage. The 1893 OS map shows a rectangular structure in the current position and nothing to the north. It is possible that either the 1847 map was wrong or the Pinfold was relocated and rebuilt

between 1847 and 1893. The statement concludes that the structure is an example of a virtually intact later example of the declining built form associated with animal welfare and its regulation within a settlement and which would have a medium level of significance.

The statement identifies that Bank Hall is located at the end of a cul-de-sac and cannot be appreciated from Garstang Road and regardless the significance is primarily internal. The War Memorial is visible along Garstang Road but due to greenery and a bend in the road it does not form part of longer views. The Pinfold is visible from Garstang road but obscured by housing to the north and hedging to the south.

The statement assesses the indicative layout which includes significant greenspace to the south and western edges of the application site and concludes that this would preserve the setting of Bank Hall whilst the retention of hedging and trees to the boundary with Garstang Road would avoid harm to the visually important views of the other heritage assets. The report concludes that the proposed development will not physically or visually isolate the heritage assets, although the report notes the layout is indicative and would be dealt with at reserved matters stage. In terms of the wider effects the proposal would change the agricultural field to residential development, but notes this would form part of wider development to the south of the village (residential development approved on land off Sandy Gate Lane and land previously known as Key Fold Farm). It notes that the significance of the heritage assets is not dependent on the use of the application site. The views of the three heritage assets will remain unaltered by the proposed works. The development will not impact upon the ways in which the assets are experienced. The report finds that the proposed development would have a neutral impact on the setting of the heritage assets.

Following the initial review of the application the Local Planning Authority (LPA) had concerns that an insufficient level of detail had been provided to properly assess the impact of the proposal on the heritage assets, although the submitted Heritage Statement was suitably detailed. Subsequently a request was made for matters of appearance, layout and scale to be submitted as part of this application to allow a full assessment of impact rather than one based on an indicative plan which cannot be conditioned. The applicant did not want to submit this additional level of information and as such provided a parameters plan to detail the areas of built development and public open space. This plan also included indicative landscaping arrangements to the edges of site so that they can be conditioned at outline with precise details provided at reserved matters should permission be granted.

The submitted parameters plan sets out the areas of site that would be built out with housing, and would be public open space and confirms the minimum off set, which would be achieved between the area of built development and each of the listed buildings. The War Memorial is seen in the context of Garstang Road with limited wider visibility, its importance is not derived from its setting adjacent to undeveloped land, with views intended to be from the bench of contemplation on the opposite side of Garstang Road, and as such the development of the site would not harm its setting or importance. The proposed development would not impact upon the setting of the Pinfold which is seen in the context of Garstang Road and housing development to its north. Additionally, development has commenced at Key Fold Farm on the opposite side of Garstang Road to

the application site and south of the Pinfold, as such its setting is characterised by residential development. Bank Hall was historically associated with farming and as such the neighbouring open land does form part of the buildings setting, however as the building is set back from Garstang Road only limited glimpses of the building are available across the application site. As noted in the submitted Heritage Statement the building has been altered externally with its primary structural significance internal, as such its setting is only considered as a positive contributor to its significance. When taking these factors into account the loss of the limited views would have a negligible impact on the asset. The impact of the proposals is therefore considered to cause less than substantial harm in accordance with paragraph 199 of the Framework.

Paragraph 202 of the Framework (2021) states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the existing immediate rural/open setting is a positive contributor to the significance of Bank Hall its contribution to the overall value/significance of Bank Hall is small/low. It is possible to achieve glimpses of Bank Hall from Garstang Road, looking west across the application site, hence the site is part of the setting of Bank Hall. The parameter plan shows a sizeable portion of public open space to the south of the application site, which would retain some sense of openness in this part of the site, clear from built development, hence would create new opportunities for the public to view Bank Hall. Whilst the proposed dwellings would likely impinge on the some of the glimpsed views from Garstang Road, the broad band of open space would reasonably mitigate any loss of those glimpsed views by providing a publically accessible area in which appreciation of Bank Hall could take place. This would balance out any slight (negligible) harm caused to the setting. In this case the less than substantial harm, albeit negligible, would be balanced by the public benefit of new and closer opportunities to view Bank Hall. In the event of an approval, the development should be carried out in accordance with the parameters plan, which can be secured by condition, to ensure the open space is delivered and the public benefit achieved.

Subject to the conditioning of the parameters plan, the proposed scheme would comply with Core Strategy Policy 16, Local Plan Policy EN8 and the Framework. Furthermore, in the consideration of this application the Council has had special regard to its duty in preserving the setting of the nearby heritage assets in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Affordable Housing

Policy 7 of the Core Strategy seeks to ensure on-site affordable housing provision of 30% within urban areas and of 35% in rural areas subject to such matters as financial viability and contributions to community services. The Central Lancashire Supplementary Planning Document 1: Affordable Housing states that where an element of affordable housing is required, at least 70% of the units shall be social rented or affordable rented, unless the Council is satisfied that an alternative mix meets an independently assessed proven need and agrees to such alternative provision. The SPD goes on to say that affordable units within residential developments should be dispersed to promote integration, mixed communities and to minimise social exclusion.

Up to 51no. dwellings are proposed and affordable housing provision is required. As the site is within a rural area the required provision would be 35%. A total of 18no. affordable dwellings are proposed, equating to an affordable housing provision of 35%. This would accord with CS Policy 7 and the Affordable Housing SPD. The applicant has confirmed that the development would provide 35% affordable housing provision as required by policy, and it is considered that the type, tenure and delivery of the affordable housing would be secured through a Section 106 Obligation, should planning permission be granted. It is therefore considered that the application complies with the Affordable Housing SPD and Core Strategy Policy 7.

Design and Layout

Core Strategy Policy 17 states the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area. Core Strategy Policy 5 seeks to secure densities of development which are in keeping with local areas and which will have no detrimental impact on the character, appearance, and distinctiveness of an area, whilst also making efficient use of land.

Policy EN9 of the Adopted Local Plan states that all new development proposals should be designed with regard to the principles set out and explained in the Central Lancashire Design Guide SPD, which are movement and legibility; mix of uses and tenures; adaptability and resilience; resources and efficiency; architecture and townscape. The Design Guide SPD seeks to raise the level and quality of design of new buildings, sets out a number of well-established principles of good design and how these can achieve a clear and robust design concept for a site.

Policy NE2 of the Broughton Neighbourhood Development Plan states that the visual impact of new development particularly that on the edge of the defined settlement of Broughton when viewed from approaching routes should be minimised by landscape screening and tree planting.

Policy RES2 of the Broughton Neighbourhood Development Plan requires residential development of more than 10 dwellings shall provide a range of housing to meet local needs as identified in the latest objective assessment of local housing needs.

Paragraph 126 of the Framework (2021) states that good design is a key aspect of sustainable development, and the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 of the Framework (2021) states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. In addition, the National Design Guide illustrates how well-designed places can be achieved and sets out the Government's priorities for well-designed places in the form of ten characteristics.

The application is outline with access applied for and design, scale, layout and landscaping to be dealt with at reserved matters. As such these matters would be assessed as part of the relevant reserved matters application(s) which would require the proposed development to fit in with its setting, complementing the existing pattern and style of

development in the area. The submitted Design and Access Statement includes an indicative site layout plan which demonstrates that 51no. dwellings could be comfortably constructed on site with required infrastructure and greenspace. House designs have not been provided, but the indicative plan includes a range of dwelling types and sizes and there is no reason why a suitable range of styles could not be achieved at reserved matters stage. As such in principle and subject to a suitable reserved matters application the proposal can comply with the requirements of the above policies and the Framework.

Open Space Provision

Policy 17 of the Core Strategy states that the provision of landscaping and open space should form an integral part of new development proposals, including enhancing the public realm. Policy 18 of the Core Strategy seeks to manage and improve environmental resources through the protection and enhancement of the natural environment. Policy 24 of the Core Strategy seeks to promote access to sport and recreation facilities, including children's play provision, through developer contributions where new development would result in a shortfall in provision.

Policy HS3 of the Local Plan requires this scheme to provide sufficient public open space to meet the recreational needs of the development in accordance with standards set out in the Central Lancashire Open Space and Playing Pitch SPD. On-site provision of amenity green space and active play facilities for children/young people (i.e. play equipment) would be required as the development would be over the 100 dwelling threshold level.

Paragraph 98 of the Framework (2021) states access to high quality open spaces and opportunities for sport and physical activity make an important contribution to the health and well-being of communities. Paragraph 100 also advises that Local Planning Authorities should seek to protect and enhance public rights of way and access.

The submitted parameters plan show that the Public Open Space (POS) would be located to the south of the site to provide a buffer to the nearby listed buildings. Such a proposition would offer generic benefits that would be expected from any major housing development of this size. The maintenance and management of amenity greenspace would be secured by a Section 106 Obligation should planning permission be granted. Subject to further reserved matters submissions and conditions the proposal has demonstrated a capacity to satisfy the principle of Core Strategy policies 17, 18, 24 and Preston Local Plan Policy HS3.

Impact on Residential Amenity

Policy 17 of the Core Strategy and Policy EN9 of the Local Plan state that the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.

Paragraph 180 of the Framework (2021) seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

As the application is in outline with all matters reserved except access, issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be fully assessed

at this stage. The indicative site layout plan seeks to demonstrate that the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts on the amenities of neighbouring residents. There are existing properties to the north and southwest with ongoing residential development to the west and east. The indicative layout demonstrates that a suitable layout can be provided to ensure the required off set from the new residential development to the west and east could be achieved.

To the north lies no.483 Garstang Road which is located 24m at its closest point from the northern edge of the application site which is sufficient to prevent any unacceptable harm in terms of amenity. To the southwest of the application site is a cluster of properties around Bank Hall, with the closest dwelling a converted barn north of Bank Hall, which is a minimum of 6m from the boundary with application site. The parameters plan proposes landscaping and open space within the application site in this area and as such would allow an appropriate offset to be maintained to avoid any unacceptable impact to the dwellings south west of the application site

The Council's Environmental Health Officer recommends that a condition requiring a Construction Environmental Management Plan in relation to noise, dust and air quality is attached to any future permission granted, to ensure neighbouring amenity is not unacceptably impacted during construction. It is therefore considered that the proposal would not conflict with the above policies.

Traffic and Highway Safety

Core Strategy Policy 2 states that the Local Planning Authority will work with infrastructure providers to establish works that will arise from or be made worse by development proposals. It further states that the Local Planning Authority will set broad priorities on the provision of the infrastructure to ensure that it is delivered in line with future growth. Core Strategy Policy 3 outlines a number of measures which are considered to constitute the best approach to planning for travel. These include reducing the need to travel, improving pedestrian facilities, improving opportunities for cycling, improving public transport, enabling travellers to change their mode of travel on trips, encouraging car sharing, managing car use and improving the road network.

Policy ST2 of the Adopted Local Plan requires development proposals to demonstrate that the efficient and convenient movement of all highway users and corridors which could be developed as future transport routes are not prejudiced, that existing pedestrian, cycle and equestrian routes are protected and extended; the needs of disabled people are fully provided for; appropriate provision is made for vehicular access, off-street servicing, vehicle parking and public transport services; and that appropriate measures are included for road safety and to facilitate access on foot and by bicycle. Adopted Local Plan Policy ST1 requires new development proposals to provide car parking and servicing space in accordance with the parking standards contained within the Appendix B to the Adopted Local Plan.

Paragraph 111 of the Framework (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The initial submission included a Proposed Site Access plan, which proposed a single access on to Garstang Road, and a Transport Statement. The statement concludes that Personal Injury Collision data over a 5 year period does not indicate any inherent safety issues with the existing highway network. The proposed access would be a simple priority junction and that suitable visibility splays can be achieved. Swept path analysis shows that larger refuse vehicles can safely enter and exit the site. The site is accessible by foot, cycle and public transport. The application proposal is expected to generate 30 trips in the morning and 35 trips in the evening which the statement concludes would have no material impact on the local highway network.

County Highways initially objected to the scheme as the proposals failed to demonstrate a safe and suitable access to site for all people. They also considered insufficient technical information was submitted to show that the cumulative impact of the development on the A6 corridor would not be unacceptably detrimental. The applicant subsequently provided a response and amended plan. County Highways raise no objection to the proposed vehicular or pedestrian/cycle access onto Garstang Road but request radii curbs be added to the northern proposed access. This has been provided and comments from County Highways are awaited. An update will be provided in late changes.

National Highways note that the expected trip generation within the submitted Transport Statement is not anticipated to have a traffic impact on the strategic road network (SRN) that could be considered severe. They note that there are a number of planning approvals within the area and cumulatively this could impact upon the SRN and this should be considered. They however, raise no objection subject to a condition requiring a travel plan to be in place should approval be granted.

Subject to no further objection from County Highways the proposals would be acceptable in accordance with the above policies and the Framework.

Ground Conditions

Policy EN7 of the Adopted Local Plan seeks to address existing contamination of land by appropriate mitigation measures to ensure the site is suitable for the proposed use and seeks to ensure that proposed development would not cause land to become contaminated.

Paragraph 183 of the Framework (2021) states planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Paragraph 184 of the Framework (2021) goes on to state that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

The application is accompanied by a Phase 1 Desk Study prepared by Brownfield Solutions Ltd. The study identifies a potential for contamination at the application site with infilled ponds, an electrical substation and a pump within and in the vicinity of site with the study recommending further investigation. The Council's Environmental Health Officer states as per the recommendations of the Phase 1 Desk Study Assessment, an intrusive Phase 2 Geo-Environmental Site Investigation should be undertaken, which could be secured by condition should planning permission be granted. Subject to said condition the scheme would be acceptable in accordance with the above policy and the Framework.

Flood Risk and Drainage

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding by number of measures including minimising the use of portable mains water in new developments; appraising, managing and reducing flood risk in new developments; managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity; encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.

The BNDP Policy NE3 states that Sustainable drainage schemes shall be used to drain land wherever possible:-

1. for development
2. waterlogging is an obstacle to use of public open spaces or to enjoyment and use of public rights of way
3. to provide wildlife areas.

Paragraph 167 of the Framework (2021) states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

The application included a Flood Risk Assessment prepared by Enzygo Limited which includes an assessment of surface water drainage requirements and details the flood risk and how this can be managed. The assessment identifies the application site as being located in Flood Zone 1 which has the lowest probability of flooding. The site has low infiltration potential due to clayey soils. Mapping indicates a land drain is orientated north to south along the western boundary but does not indicate its connectivity to the wider watercourse network. The assessment finds that overall, the risk of flooding is negligible although there is a potential for ponding of surface water and a higher risk of flooding adjacent to the land drain. The assessment advises that the flood risk can be managed by: providing an easement to the land drain; maintenance of the land drain; setting floor levels above external levels; and adoption of a surface water management strategy. The assessment recommends that surface water can be managed, such that flood risk to and from the application site following development would not increase by an appropriately sized attention basin with a restricted discharge rate. Water could be discharged to either the drainage network serving the adjacent/western development (land off Sandy Gate Lane) or culverted watercourse beneath Garstang Road serving the adjacent/eastern

development (land previously known as Key Fold Farm).

The Lead Local Flood Authority raises no objection subject to conditions requiring a final sustainable drainage scheme, construction phase surface water management plan and operation and maintenance plan and verification report of the installed drainage system. They also recommend an informative advising that if granted the planning permission would not approve any connection to the land drain at site.

United Utilities note that the site overlies a Groundwater Source Protection Zone 2 and 3. They state the applicant should follow best practice on their use and storage of fuels, oils and chemicals, to remove the risk of causing pollution during construction. They draw attention to advice in The Environment Agency's Approach to Groundwater Protection, which can be added as an informative should the application be approved. In the event of an approval they recommend conditions requiring approval of any penetrative foundation designs, surface water drainage scheme based on the hierarchy of drainage and separate foul and surface water drainage.

Subject to the inclusion of the above conditions the application proposals are considered acceptable in accordance with the above policies and the Framework.

Ecology

Policy 22 of the Core Strategy seeks to protect and find opportunities to enhance and manage the biological and geological assets of the area through certain measures, such as promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority species and species populations; and seeking opportunities to conserve, enhance and expand ecological networks. Policy 17 seeks to ensure that all developments protect existing landscape features and natural assets, habitat creation and provide open space.

Policy EN10 of the Adopted Local Plan seeks to protect, conserve, restore and enhance biodiversity and ecological network resources in Preston. Policy EN11 states planning permission will not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a protected species planning conditions or obligation will be used to mitigate the impact.

Paragraph 174 of the Framework (2021) states that planning policies and decisions should, amongst other things, contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Paragraph 180 of the Framework (2021) states that when determining applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying a number of principles. Where development would result in significant harm to biodiversity, which cannot be mitigated, or the development would result in the loss or deterioration of irreplaceable habitats without exceptional reasons, planning permission should be refused.

The application is accompanied by an Ecological Survey and Assessment and an Assessment of Biodiversity Net Gain Report. The Ecological Survey concludes that the site supports habitats within the site that are of only local, and in part, limited value to

biodiversity. The survey goes on to list features of value present on the site, which includes hedgerows, a pond, and bands of scrub to the site boundaries. Great crested newts were recorded in the onsite pond in 2015, however the survey indicates a recent test for great crested newts has come back negative. In terms of biodiversity net gain, the report makes recommendations in respect of biodiversity enhancement as guided by the Framework, in the form of bat and bird boxes.

The Greater Manchester Ecology Unit (GMEU) Ecologist agrees with the findings of both reports, and recommends a suite of conditions be attached, should planning permission be granted, to ensure the development has no adverse impact on protected species and achieves biodiversity net gain. These conditions include:

- The development proceeds in accordance with the recommendations and ecological enhancements measures set out in the Ecology Survey;
- Implementation of protection measures for retained trees, hedgerows and scrub;
- Design of the external lighting scheme for construction and operation;
- Any removal of trees marked as retained should include a further assessment of their suitability to support roosting bats;
- Reasonable Avoidance Measures should be followed during site clearance;
- Boundary treatments should allow provision for small mammal/amphibian gaps; and
- A full landscaping specification should be submitted at reserved matters stage including the features shown within the indicative layout proposing ecological enhancements.

The GMEU ecologist also requests a condition requiring vegetation clearance to avoid the bird nesting season (March-August), however as this is covered by separate legislation, such advice would be attached as an informative. Subject to the above, remaining conditions, if planning permission is granted, it is considered the proposed development would not have an adverse impact on protected species. As such, the proposal complies with the above policies and the Framework in this regard.

Air Quality

Policy 30 of the Core Strategy seeks to improve air quality through delivery of Green Infrastructure initiatives and through taking account of air quality when prioritising measures to reduce road traffic congestion. Policy 3 of the Core Strategy seeks to encourage the use of alternative fuels for transport purposes.

The site does not fall within an Air Quality Management Area and the Environmental Health Officer has raised no objections to the scheme in terms of its impact on air quality. To encourage the use of alternative fuels and improve the air quality of the city, it is considered a condition be attached, should planning permission be granted, requiring a scheme for the installation of electric vehicle charging points to be submitted. Subject to this condition, it is considered the proposal complies with Policies 3 and 30 of the Core Strategy.

Energy Efficiency

Whilst Core Strategy Policy 27 requires all new dwellings meet Level 4 of the former Code for Sustainable Homes (CSH), the Government has published a statement of intention in

respect of this matter, and in accordance with this statement of intention the Council no longer requires new developments to comply with code standards. However, the written ministerial statement (published on 25th March 2015) confirms that for the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations. Therefore, the Council requires only the energy efficiency levels of new developments to be equivalent to Level 4 of the former CSH which equates to a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined by Part L1A of the 2013 Building Regulations. A condition securing the precise detail of this efficiency to be demonstrated at reserved matters stage could be attached if planning permission was granted and the application would accord with Policy 27 of the Core Strategy in this regard.

Waste Management

The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent household collection service.

Whilst no details of waste provision have been provided, the indicative site plan indicates there would be sufficient space to the rear of the proposed dwellings to accommodate waste and recycling facilities. The Council's Waste Technical Officer has suggested that although only an indicative site layout has been provided at this stage, the lengths of some of the shared driveways appear excessive and occupiers should not have to move waste containers a distance of more than 25 metres. This will be addressed at reserved matters stage. Furthermore, the Council's Waste Technical Officer recommends a Waste Management Plan should be submitted with a reserved matters application to demonstrate that the Council's largest 8x4 chassis refuse vehicle can adequately and safely traverse and turn within the proposed development. To ensure adequate provision is made for waste and recycling, should planning permission be granted, the above further details would be required at reserved matters stage. Subject to these details, it is considered the proposal would comply with the National Planning Policy for Waste.

Education

Policy 14 of the Core Strategy states that educational requirements will be provided for by enabling seeking contributions towards the provision of school places where a development would result in or worsen a lack of capacity at existing schools.

County Education have made a claim for the applicant to financially contribute to the provision of 19 primary school places (318,249.24) and 8 secondary school places (184,494.00), based on the assumption that all of the proposed 51no. dwellings would have 4 bedrooms. Should this not be the case a reassessment will be required at reserved matters stage and could result in a reduced claim for school places. Should planning permission be granted the section 106 obligation shall include a methodology for recalculating the claim for education based on the number of bedrooms per dwelling.

Planning Contributions

Regulation 111(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework (2021) state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a) Necessary to make the development acceptable on planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The contribution towards primary and secondary school places is considered to comply with the tests set out above as it would mitigate the education impacts of the proposed development which would otherwise not be provided. The level of on-site affordable housing provision is considered to comply with the tests set out in Regulation 122(2) and the Framework as it would represent 35% of the total number of dwellings on the site, with the remaining 65% of the housing being made available to purchase on a normal open market basis. The requirement to secure the future management and maintenance of the open space is considered to comply with the above tests as it would be directly related to the on-site public open space and would secure its long-term management to allow the space to be used by future residents.

Tilted Balance

A lack of housing land supply is not the only reason why the tilted balance could be engaged, it can also be engaged if the most important policies for determining the application are in the round out-of-date. The assessment as to whether it is appropriate to engage the tilted balance in Paragraph 11(d) of the Framework (2021) is comprised of three stages. Firstly, the most important policies for determining the application must be identified. Secondly, those policies must be assessed to ascertain whether or not they are out-of-date. Thirdly the basket of policies must be looked at to determine if, in the round, it is out-of-date thereby engaging the tilted balance.

The most important policies for determining this planning application are considered to be:

Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 4: Housing Delivery

Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies)

Policy EN1: Development in the Open Countryside

Broughton Neighbourhood Development Plan

Policy RES1: Broughton Village – Housing Development sites as an extension to the settlement boundary

Core Strategy Policy 1 and Policy EN1 are relevant to the principle of the development proposed. Policy 4 is housing-related and contains the housing requirement figure for Central Lancashire. It has been accepted earlier in this report that Core Strategy Policy 4 is out of date. However, whilst the minimum housing requirement of Policy 4 is out-of-date, it does not follow that other most important policies for determining the application are out-of-

date.

Core Strategy Policy 1 promotes the spatial strategy for growth across Central Lancashire. For Preston this means focussing growth and investment in the main urban area (comprising of the Central Preston Strategic Location and adjacent inner city suburbs), the Cottam Strategic Site, the North West Preston Strategic Location and the Key Service Centre of Longridge. Policy 1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. Policy 1 is therefore not out-of-date.

Policy EN1 restricts development which takes place in the open countryside to that needed for the purposes of agriculture and forestry (or other rural appropriate uses), the re-use of existing buildings and infill within groups of buildings, as well as development permissible in other policies contained within the Local Plan (namely Policies HS4 and HS5). Given the local housing need in Preston (254 net additional homes per annum) is currently substantially below the housing requirement contained in Policy 4 (507 net additional homes per annum), it is clear that more than sufficient land has been allocated in the current Local Plan to meet the local housing need. Policy EN1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. As a consequence, the rural settlement boundaries do not need to be reconsidered at this time and remain relevant and up-to-date. Policy EN1 is therefore not out-of-date.

BNDP Policy RES1 allocates small-scale housing developments at three specific sites within the plan area. BNDP Policy RES1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. BNDP Policy RES1 is therefore not out of date.

As three of the four most important policies for determining this application are not out of date, the basket of most important policies is not out of date and accordingly the tilted balance is not engaged.

3.7 Value Added to the Development

Additional plans and information submitted to address heritage and highways matters.

3.8 Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield, allocated sites, sites within key service centres and other defined places, contrary to Core Strategy Policy 1. The proposed development is not the type of development deemed permissible under Local Plan Policy EN1 and the loss

of open countryside for the development proposed is therefore contrary to this policy. Furthermore, the proposal does not comply with Policy RES1 of the Broughton Neighbourhood Development Plan. The proposal is, therefore, not acceptable in principle and the conflict with the development plan is given significant weight in the planning balance.

It is considered that whilst the proposed development would result in the loss of pasture, the site is well-contained visually and would not have a significant adverse impact on the landscape character of the area due to the site-specific conditions identified in the LVA. Also, the proposed development would not cause resultant harm on the effectiveness of the gap between settlements and would comply with the relevant, up-to-date policies of the Development Plan in this regard. Notwithstanding these matters, however, the location of the site and the lack of visual harm does not diminish the fundamental conflict with the development plan.

The proposal is not considered to impact on the settings of the grade II listed Broughton War Memorial or the Pinfold. There would be harm to the significance of the settings of the grade II listed Bank Hall but this would be less than substantial and would be balanced by the positive benefit of improved visibility, which would be provided from the proposed public open space. In the consideration of this application the Council has had special regard to its duty to preserve the setting of the nearby heritage assets in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Statutory consultee comments and representations have been received which have been carefully considered and taken into account as part of assessing this planning application. Whilst the proposed development is contrary to the management of growth and investment set out in the Core Strategy and is not the type of development deemed permissible in the open countryside under Local Plan Policy EN1, the proposed development would not cause harm to the effectiveness of the Area of Separation and would not result in an adverse impact on the character and appearance of the open countryside. There would be no unacceptable harm to protected species and their habitats due to mitigation measures that could be secured by condition. Any harm arising from potential contamination and flood risk could be mitigated by condition. Additionally, the proposed development would deliver a minimum of 35% on site affordable housing. An education contribution is required, and this could be secured by planning obligation. It would comply with the National Planning Policy for Waste. The proposal would be energy efficient and electric vehicle charging points could be secured by way of planning condition. However, these benefits resulting from the proposed development are generic and no more than would be expected from any major housing development and as such they attract limited positive weight in the balance against the conflict with the development plan.

Whilst the improved visibility of Bank Hall from the proposed public open space within the application site would be a public benefit that would balance out any slight (negligible) less than substantial harm caused to the setting of the listed building, and this benefit is not considered to be a generic benefit, it does not however carry sufficient beneficial weight to outweigh the fundamental conflict with the development plan.

Paragraph 12 of the Framework (2021) states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. As stated above in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development fails to comply with Core Strategy Policy 1, Local Plan Policy EN1, BNDP Policy RES1 and the Framework. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development fails to comply with the development plan, the benefits of the proposal attract limited positive weight in the balance against the conflict with the development plan and therefore planning permission should be refused.

3.9 Recommendation

Refusal for the reason set out in paragraph 2.1

APPENDIX 3: APPEALS LIBRARY



Appeal Decision

Hearing held on 15 October 2019

Site visit carried out on the same day

by Mrs J A Vyse DipTP Dip PBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/P0240/W/18/3211229

Land off Broad Street, Clifton SG17 5RR

- 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 Planning Prospects Limited and Sheila Bowman and Nicola Yvonne Bass against Central Bedfordshire Council.
 - The application, No CB/18/01099/OUT, dated 15 March 2018, was refused by a notice dated 21 June 2018.
 - The development proposed comprises residential development of up to 80 dwellings (including 35% affordable housing) landscaping, public open space, surface water flood attenuation, vehicular access from Broad Street and associated ancillary works.
-

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for residential development of up to 80 dwellings (including 35% affordable housing) landscaping, public open space, surface water flood attenuation, vehicular access from Broad Street and associated ancillary works, on land off Broad Street, Clifton in accordance with the terms of the application, No CB/18/01099/OUT, dated 15 March 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. This is an outline application with all matters other than access reserved for future consideration. The submitted plans include a location plan and a plan showing the proposed Broad Street access details. A Development Framework Plan was also submitted (Plan No 674A-30C) showing the areas proposed for housing, open space, landscaping etc and the site access. Whilst indicative, the appellant relies on this plan to a large extent, to illustrate how the scale of development proposed could be accommodated at the appeal site, notwithstanding that layout and landscaping are not for consideration at this time.
3. Whilst the second of the two reasons for refusal **set out on the Council's** Decision Notice relates to the absence of a completed legal agreement, a planning obligation by deed of undertaking was submitted in connection with the appeal. I deal with the provisions secured in more detail later on. An executed version of the undertaking was submitted shortly after the close of the Hearing with the agreement of the parties.¹
4. After the close of the Hearing, an appeal decision relating to a site at Park Farm, Westoning was drawn to my attention by the Council.² The appellant was

¹ Listed as Doc 5 below

² APP/P0240/W/18/3204513 Dismissed 21 October 2019 (Doc 6)

given the opportunity to submit views on that.

5. The emerging Local Plan is currently the subject of Examination. It was a matter of agreement between the parties, as set out in the Statement of Common Ground, that only limited weight can be afforded to the policies of that Plan at the present time.

Main Issue

6. The main issue in this case relates to the effect of the development proposed on the character and appearance of the area and on the setting and identity of Clifton.

Reasons for the Decision

Character and Appearance

7. **The District's settlement hierarchy as set out in the** Central Bedfordshire Core Strategy,³ focuses most new development in the larger settlements with the best range of services and access to public transport. The Ivel Valley, within which the appeal site lies, is identified by policy CS1 as a particular focus for development, creating a string of complementary settlements where new development improves their individual and combined sustainability. The Settlement Hierarchy, as expressed through this policy, also identifies Clifton as a Large Village, the Settlement Envelope for which is defined on the Proposals Map.
8. The 5.3 hectare (ha) appeal site lies adjacent to but outwith the eastern settlement edge of the village as currently defined in both the adopted and emerging development plan and thus lies within open countryside for the purposes of planning policy. Policy DM4 of the Core Strategy identifies the types of development that are generally appropriate within Settlement Envelopes, essentially discouraging development in the countryside other than limited garden extensions. In proposing new residential development in the countryside, there is conflict with policy DM4.
9. Together and among other things, Core Strategy policies CS16 and DM14 seek to conserve and enhance countryside character and local distinctiveness in accordance with the findings of the Mid Bedfordshire Landscape Character Assessment,⁴ resisting development that would have an unacceptable impact on the landscape quality of an area. Development in the Ivel Valley is required to provide landscape enhancement on or adjacent to the development site, or contribute towards landscape enhancement. Existing trees are to be protected, with an increase in tree cover promoted.
10. The area within which the appeal site lies is subject to a number of Landscape Character Assessments from national through to local level.⁵ In essence, it sits within an area of generally level lowland with some long range views over large scale open arable fields which contrast with the more intimate, small scale pastures along the course of the River Ivel (to the east of Henlow). Overall it is described as a fragmented landscape, with the wide views over the level arable fields sometimes interrupted by abrupt settlement edges, its landscape

³ Core Strategy and Development Management Policies DPD, adopted November 2009.

⁴ Following unitary reorganisation, the 2007 Landscape Character Assessment referred to by the policy was superseded by the 2015 Central Bedfordshire Landscape Character Assessment (2015 LCA).

⁵ The appeal site lies within National Character Area (NCA) 88: Bedfordshire and Cambridgeshire Claylands. At a more local level, it sits within the Upper Ivel Clay Valley (Type 4c) **as defined by the Council's** 2015 LCA.

character being largely determined by the presence of nucleated villages, such as Clifton and Henlow, surrounded by open fields.

11. The National Character Area Profile for NCA88 includes a number of Statements of Environmental Opportunity (SEOs). Examples of measures to secure SEO3 include the enhancement of green infrastructure for both biodiversity and recreation and enhancing the visual appearance of the urban edge of settlements through new woodland planting. Among other things, the stated Landscape Strategy for the Upper Ivel Valley as set out in the **Council's** 2015 LCA, is to create new features to enhance and strengthen the river valley character such as tree planting to screen harsh urban boundaries and increase biodiversity interest. In addition, the guidelines for new development in the 2015 LCA seek, among other things, to safeguard the rural character and qualities of the Ivel corridor by planting further woodlands to create a more rural edge to development on the margins of villages; encourage the creation of new wetlands to increase biodiversity interest and strengthen character; enhance landscape boundaries at exposed urban edges; and avoid the coalescence of towns and villages.
12. The appeal site is located on the northern side of Broad Street and comprises part of a larger, irregularly shaped arable field which has different crop growing areas within it. It contains no significant topographical features, although a row of early mature/semi mature trees within an unmanaged hedgerow extends part way into the site at its northern end.
13. Other than a roughly 25 metre wide strip running into the site off Broad Street alongside No 111 required to facilitate the proposed vehicular access, the southwestern site boundary is aligned with the rear boundaries of the Broad Street dwellings that back on to the site. The north-western site boundary follows the end of the rear gardens of six properties on this side of The Joint (a residential cul-de-sac off Broad Street) before stepping out to run roughly northwards alongside public footpath No 4 (FP4) for a distance of some 150 metres. Houses on Newis Crescent and Brickle Place back onto the opposite side of this section of the footpath, their short rear gardens enclosed largely by timber fencing. At a rough area of trees and shrubs on the site of a long disused tip, the site boundary returns in a north-easterly direction, extending some way into the open field on an arbitrary line following no marked feature on the ground, before then returning back onto Broad Street, again along an undefined line. At its north-eastern corner, the site boundaries project in an easterly direction creating a narrow finger across the open field, mainly to accommodate underground drainage connections. The eastern boundary of the larger field is defined by a strong row of Poplar trees running along the line of public footpath No 5 (FP5) and adjacent ditch, which join onto an area woodland at the junction of FPs 2, 4 and 5.
14. Neither the appeal site, nor the land that surrounds it, is subject to any national or local landscape designation. It was a matter of consensus between the parties in this regard, that this is not a valued landscape in the terms of paragraph 170a) of the National Planning Policy Framework (the Framework). I agree - the appeal site does not include specific attributes or landscape features which take it out of the ordinary, sufficient for it to amount to a **'valued landscape'** as referred to by the Framework. That is not to say though, that it has no value. Indeed, the landscape here is clearly valued by local people.

15. The appeal site, and the larger field within which it sits is largely flat, although levels do drop away slightly to the northeast. The largely vegetated roadside field boundary along Broad Street generally limits views of the site from the south. However, views across the site are afforded from the length of FP5, which runs along the eastern boundary of the larger field; from FP4, which joins with the northern end of FP5; and from the western end of FP2, at its junction with FPs 4 and 5. In those views, against the backdrop of the existing dwellings on this edge of the village the development would, I consider, be seen in the context of and as part of the settlement.
16. **In terms of the existing character and identity of Clifton, the appellant's** Heritage Statement confirms that whilst historically, linear development extended the original village nucleus (now a conservation area) the character of the settlement has changed over the years, with significant development on Newis Crescent, Brickle Place and Miles Drive in the mid-1970s effecting a significant change to its setting. More recently, residential development has occurred to the east of the settlement on Stockbridge Close. I am mindful also that a scheme for up to 97 dwellings on Hitchin Lane on the southern side of the village has recently secured permission on appeal.⁶ It is clear therefore, that growth is a characteristic of the settlement. Although each time housing development has taken place on the edge of the village it would appear that fields have been lost, there has been no material change to the overall character of the village in its current form, or its identity as a nucleated settlement surrounded by fields. To my mind, the development proposed would be no different and would not be a complete departure from the existing settlement pattern. I find no harm to the identity and setting of Clifton in this regard.
17. The planning application was accompanied by a Landscape and Visual Impact Assessment (LVIA) supplemented at appeal by a Landscape Statement. Both documents assess the landscape here as being of medium value and of medium sensitivity.⁷ Although the Council generally concurs with that assessment in terms of the wider landscape, it ascribes the site itself a medium/high value on the basis that it is located in what it refers to as a highly constrained area of countryside between the villages of Clifton and Henlow that makes an important contribution to the sense of place of both settlements.
18. The appeal site lies at the western edge of an 'Important Gap' **between** Clifton and Henlow, as defined by saved policy CS21 of the Mid Bedfordshire Local Plan: First Review (December 2005). The policy resists development proposals within Important **Gaps that would 'promote the visual or physical coalescence of nearby settlements.'** The policy is not recited in the related reason for refusal and there was no suggestion that it had been omitted in error (unlike other policies relied on by the Council) **although at Council's evidence confirms** that whilst not most important, it is a relevant policy.
19. Whilst CS21 is a spatial policy, rather than a landscape designation as such, the open landscape character here informs that policy. I am also aware that the Clifton Green Infrastructure Plan (March 2011) produced by the Parish Council alongside the District Council, includes the appeal site within an area for which the identified aspirations are to retain farmland to act as a buffer between Clifton and Henlow to conserve their own distinct characters (Area

⁶ Appeal ref APP/P0240/W/16/3154829 - Land off Hitchin Lane, Clifton (Allowed 17 February 2017)

⁷ In the terms of the Guidelines of Landscape and Visual Impact Assessment (Third Edition)

- 19c). Whilst the document does not form part of the development plan for the area, it does identify what is important to the local community.
20. Self-evidently, the development proposed would affect the landscape character of the appeal site itself, replacing part of a large scale agricultural field on the settlement edge with up to 80 dwellings. However, in terms of the landscape character of the wider area, any impact would be local. Whilst there would be some harm, particularly during construction and on completion, the landscape here is already materially influenced by the existing settlement edge, representative of the hard abrupt edges described in the 2015 LCA.
21. As indicated on the Development Framework Plan, the extent of the proposed built form (approximately 2.3 ha) is intended to be contained immediately to the rear of the housing on Broad Street, The Joint and Newis Crescent, extending no further east overall than the existing housing. The remaining 3 ha of the appeal site, wrapping around the northern and eastern edges of the proposed built form, is shown as comprising a substantial area of landscaping, including planting, public open space and a surface water attenuation basin. In my view, this aspect of the scheme ensures that development proposed would address and integrate the abrupt urban edge created by the exposed rear garden boundaries, with the new housing set within a framework of green infrastructure, landscape buffers and structural planting that would mature over time to create a much softer settlement edge as the guidelines in the various documents referred to above suggest should be achieved by taking advantage of any development that takes place. In this regard, I consider that not only would the landscaping and planting proposed assist in screening and providing a setting for the development itself but would, over time, also provide a welcome enhancement to the landscape character of the area in accordance with the stated environmental opportunities and guidelines for this landscape type. I agree therefore, with conclusions of the LVIA in this regard, that the effect on the landscape character of the wider area can be considered as minor beneficial in the long term. Accordingly, I find no conflict with Core Strategy policies CS16 and DM14, or the aspirations of the Green Infrastructure Plan.
22. The defined Important Gap between Clifton and Henlow comprises generally agricultural land that is fringed by built development at the settlement edges. Ribbon development at the southern end of the Gap, along Broad Street/ Clifton Road, reduces the Gap on the southern side of the road to between 135-185 metres. Along the northern side of the road the Gap is much wider, widening out further still behind the existing frontage developments. On Stockbridge Road, the Gap extends to some 310 metres towards its northern end. A minimum separation of some 575 metres would remain between the built up part of the appeal site and Henlow, which distance is significantly wider than the separation along the road frontages between the two settlements. In that overall context,⁸ whilst the scheme would introduce development into the Gap, this is not a constrained part of the Gap and the development proposed would not promote the visual or physical coalescence of the two settlements. I find no conflict therefore, with policy CS21. There would be no conflict either with the stated purpose of Settlement Envelopes, as set out in the supporting text to policy DM4, which confirms that the Settlement Envelopes also serve to prevent coalescence between settlements.

⁸ As shown on the plan on page 11 of the Design and Access Statement.

23. In terms of visual impact from public vantage points, there are two aspects to consider: views across the site to the landscape beyond and views back towards the settlement edge. In these regards, the highest level of change is likely to be experienced by the users of the public footpaths and those residents that back onto the site. However, when walking the footpaths as part of the accompanied site visit, although it is apparent that one is in the open countryside, the abrupt settlement edge of Clifton is also evident. The northern part of FP4, and the length of FP5, would be separated from the built element proposed by the landscaping area proposed that would wrap round the northern and eastern edges of the housing, with open undeveloped agricultural land remaining between the paths and the appeal site boundary. Whilst there would be a significant change in view during construction and on completion, I tend towards the conclusion of the LVIA that, as the proposed planting and landscaping matures, and with no physical or visual coalescence between the two settlements, the magnitude of that impact would reduce to low over time, with a minor adverse significance of effect.
24. The impacts would be greater for the 150 metre section of FP4 which passes along the urban edge of Clifton, with the appeal site immediately to the east, where there would be a loss of open views. However, that section is only a small part of the overall length of the footpath route.⁹ Whilst this short section of the route would have housing on both sides, that is no different from the southern section of the footpath which runs along The Joint. Moreover, the **appellant's** Landscape Statement confirms that the development would be set within a landscape corridor here, providing separation between the footpath and the proposed housing. The detail of that corridor, and thus its efficacy, is a matter that would be within the control of the Council at reserved matters stage were the appeal to succeed. All in all, whilst there would be a material change in views from this short section during the construction phase and on completion, as the proposed planting and landscaping matures, the significance of that effect for that short stretch would, in my view, reduce to moderate adverse over time.
25. The development would be seen from the rear of the existing houses that back onto and have views across the appeal site. However, it is well established that that in terms of private interests, there is no right to an open view. As such, any changes within the site need to be considered in terms of the residential amenity/living conditions of those residents. I have considered carefully whether local residents would be affected harmfully by the proposal such that their properties would be unpleasant places in which to live. Clearly there would be changed views for residents, with current views of fields becoming views or glimpses of housing, roads and associated open space. In my judgement however, subject to future design proposals over which the Council would have control, there would be no unacceptable impact on residential receptors in terms of their living conditions.
26. So, to conclude on this issue, inasmuch as the scheme involves development outwith the defined Settlement Envelope for Clifton, there would be some conflict with Core Strategy policy DM4. I find no conflict however, with that part of the intended purpose of the policy in preventing coalescence between settlements.

⁹ The appellant's Landscape Statement sets out that the total length of FP4 is some 670 metres.

27. I have also found that there would be no long term physical or visual coalescence between Clifton and Henlow and no conflict therefore, with saved policy CS21 of the Mid Bedfordshire Local Plan: First Review. I find no conflict either with policies CS16 and DM14 of the Core Strategy. On the contrary, I consider that there would be significant benefits in terms of landscape enhancement and a net gain in landscape features, including a softening of the currently hard and abrupt settlement edge here.
28. Policies CS14 and DM3 of the Core Strategy seek to secure high quality development through various means. There was some discussion as to whether these are relevant policies in terms of outline applications such as this. Even if they are relevant at this stage, I find no conflict since the scheme would, in my view, be appropriate for its setting in terms of the scale of development proposed and in that it provides for landscaping appropriate to the development and its setting, contributing to a sense of place.

Benefits of the scheme

29. Clifton is identified as a Tier 3 settlement in the settlement hierarchy for the area as set out in the Core Strategy, reflecting its good range of services and facilities. It also benefits from its close proximity to Shefford, a Minor Service Centre, and the site is well served by public transport with bus stops in both directions along Broad Street close to the site entrance. In proposing new development at Clifton, a benefit of the scheme is the provision of up to 80 new dwellings in an accessible location.
30. In addition, at least 35% of the dwellings would be affordable, in compliance with Core Strategy policy CS7. The Council suggested that the affordable housing provision should attract only limited weight on the basis that does no more than meet the policy requirement, with my attention drawn to two appeal decisions dating from early 2018. My reading of those, however, does not lead me to the same view as that of the Council. Although the provision in the Cranfield decision¹⁰ did no more than comply with the policy requirement, the Inspector noted that since policies exist to seek planning benefits, not just to avoid harms, the affordable housing was a benefit to be included in the balance. He did not ascribe any particular weight to that benefit. In the Meppershall decision,¹¹ whilst the Inspector noted that the affordable housing provision simply met the policy requirement, she nevertheless went on to afford significant weight to the social benefits of the proposal.
31. In the instant case, I am mindful that paragraph 11.4.2 of the submission **version of the emerging plan refers to a 'stark depiction' of just how serious the affordability problem is in Central Bedfordshire.** Against that background, despite doing no more than meeting the policy requirement, I am firmly of the view that the provision of 35% affordable homes on the appeal site, ie up to 28 dwellings, is a significant social benefit of the scheme that carries considerable weight.
32. Significant socio-economic benefits would also flow from the development, including a construction spend of some £9 million, generating 77 construction jobs over a three year build out period, as well as 86 indirect jobs in associated industries, with an additional £3.16 million of direct gross value added. In

¹⁰ APP/P0240/W/17/3181269 Mill Road, Cranfield

¹¹ APP/P0240/W/17/3175605 High Street, Meppershall

addition, future residents are expected to generate a total gross expenditure of over £2.5 million. I recognise that the benefits to the construction industry would be time limited and there is no suggestion that local facilities are struggling and would thus benefit significantly from increased patronage. Accordingly, whilst welcome, I therefore afford these benefits moderate weight overall.

33. As confirmed by **the appellant's ecological** appraisal, as part of a large arable field the site is currently of negligible to low intrinsic ecological value. There would be a considerable benefit to biodiversity therefore, as a consequence of the development scheme, given the 3 ha landscaped/planted area proposed that would wrap around the site, which would include structural planting, amenity grassland and meadow planting, a landscape focal feature and an attenuation basin. There would also be a substantial benefit in that it would address and integrate the existing abrupt urban edge in accordance with .
34. Improvements to elements of local community infrastructure and open space provision secured via the planning obligation (as set out below) would also benefit existing local residents. However, since the purpose of the obligations secured is primarily to mitigate harm arising from the development proposed, I am not persuaded that it is a consideration that attracts any more than limited weight.
35. Reference is made to income for the Council from the New Homes Bonus as a benefit. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. However, New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. I am mindful, in this regard, that the planning guidance makes it clear that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority.¹² Accordingly, whilst the Bonus is a material planning consideration, it is not one to which I attach positive weight.
36. Increased Council tax receipts are also mentioned as a benefit. However, since the development would result in a corresponding increase in demand on local services etc, again that is not a consideration to which I attach positive weight.

Other Matters

37. The site would be served by a new T-junction on to Broad Street. Local residents expressed concerns in relation to the safety and free flow of traffic and pedestrian safety. However, the Highway Authority does not raise any objection subject to appropriate conditions. Broad Street has a footway on the northeast side, as well as street lighting. Although the footway would need to be increased to 2 metres in width between the site and the nearest bus stop, that is a matter that can be secured by condition. As a consequence of traffic speeds along Broad Street exceeding the 30 mph speed limit, a speed reduction scheme needs to be secured to ensure that the proposed access arrangement is safe. Again, that could be dealt with by condition. I am content in these regards, that the development proposed would not result in material harm in terms of vehicular and pedestrian safety. To my mind, the

¹² ID: 21b-011-20140612

speed reduction scheme would in fact be a benefit of the scheme, attracting at least moderate weight in the overall balance.

38. I was told of poor drainage within the site and of localised surface water flooding and note that Core Strategy policy CS13 seeks to ensure that proposals incorporate suitable drainage infrastructure. The appellant's flood risk assessment and drainage strategy confirms that the appeal site lies within flood zone 1, which areas are at the lowest probability of flooding. Whilst surface water could shed towards the site in extreme events, water from the slightly higher land to the west is likely to be intercepted by the highway drainage before reaching the site. Clearly development of the site would increase impermeable surfacing which, if not managed, could increase the risk of overland flows. **The Council's sustainable drainage officers are content** however, that this is a matter that can suitably be addressed through the use of appropriate conditions were the appeal to succeed. In the absence of any substantiated evidence to the contrary, I have no reason to disagree.
39. The development proposed would result in the loss of agricultural land. Although **the officer's report suggests that it is not classified as best and most versatile agricultural land**, ie grade 1, 2 or 3a (BMV), **the Council's case at the Hearing**, through the evidence of Ms Myers and Mr Hughes, was that it is. Local residents also suggest that it is BMV. No substantiated evidence was before me on this matter. However, even if the whole site is BMV, the loss of such land would, in the scheme of things, be relatively small and not significant.
40. In relation to concerns about effect on wildlife and biodiversity, the appeal site does not include any statutory or non-statutory designated site of nature conservation interest. In addition, I have already referred above to its negligible to low intrinsic ecological value. Those areas of greatest scope for interest, namely hedgerows and trees, would be retained and enhanced and, together with the proposed attenuation basin, would result in benefits in terms of wildlife and biodiversity. Whilst a single badger sett is recorded nearby, it is only the badgers themselves and their setts that are protected by law, neither of which would be directly affected by the development proposed. In any event, the new meadow and amenity grassland and structural planting proposed would, it seems to me, increase the quality of foraging opportunities for any local badger population, a further benefit of the proposal.
41. As noted above, the site lies close to the site of a long disused tip and concerns were expressed in relation to potential pollution. However, **the Council's** Environmental Health officer raised no objection in this regard, subject to appropriate conditions assess and mitigate any potential harm. No substantiated evidence was before me to indicate that that would not provide sufficient protection for future residents.
42. It was drawn to my attention that at least one local resident has a balcony area that overlooks the appeal site. As acknowledged above, views from there would change as a consequence of the development proposed. Concern was also expressed in relation to potential overlooking and loss of privacy. Matters relating to layout and detailed design would be for the Council to consider in the first instance were the appeal succeed. I have no reason to suppose, in this regard, that the dwellings proposed could not be positioned in such a way

as to ensure sufficient separation to avoid significant overlooking and material loss of privacy.

Planning Obligation

43. The appeal is accompanied by a planning obligation in the form of a unilateral undertaking. Subject to the usual contingencies, the undertaking sets out covenants that would be imposed on the owners in favour of the District Council. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
44. *Education*: to accommodate the additional demand created by the proposed development, the undertaking secures a contribution towards the provision of early years, lower, middle and upper school places at local schools and/or a new school (Pix Brook Academy). As set out at paragraphs 5.105-5.125 of the proof of Mr Hughes, and his Appendix 14, the contribution is derived from a calculation based on pupil yield x the relevant DfE cost multiplier for each category.
45. *Healthcare*: the development is expected to generate around 192 additional patient registrations, the main impact in this regard being on the Shefford Medical Centre. The current premises are nearing capacity, with development both currently under construction and already committed likely to take it beyond capacity. I was advised that there is scope to expand the surgery although questions were raised as to the availability of doctors. To secure the required provision, a contribution of £738 per dwelling is provided for, based on an updated formula operated by the Bedfordshire Clinical Commissioning Group for NHS England.
46. *Waste/Recycling*: a contribution of £55 per dwelling is secured towards the provision of two x 240 litre bins and one x 23 litre food caddy for each of the proposed dwellings. The provision ensures that the bins used within the development are compatible with the collection vehicles used by the waste collection contractor and will encourage recycling and composting to help deliver sustainable development by driving waste management up the waste hierarchy.
47. *Children's play and outdoor sport*: a contribution of £687.50 per dwelling is secured towards the improvement of existing play areas in the vicinity of the appeal site, including the nearby Whiston Crescent Recreation Ground play area, plus a contribution of £287.31 per dwelling towards off-site outdoor sports improvements, including the provision of a floodlit Multi-use Games Area at the Recreation ground.
48. *Village Hall*: a contribution of £1645.81 per dwelling is secured towards necessary upgrades to Clifton Village Hall and the STMA community building in Shefford as identified in the Central Bedfordshire Leisure Strategy Village and Community Halls Audit and Assessment Report. The basis for the calculation is set out at Appendix 15 to the proof of Mr Hughes.

49. *Affordable Housing*: Core Strategy policy CS7 seeks a minimum 35% affordable housing provision. The provision secured meets that requirement and in so doing would help meet an identified pressing need.
50. *Open Space*: the obligation secures the provision, retention and ongoing management of sufficient on-site open space within the site to meet the needs of future occupiers, **pursuant to the Council's Recreation and Open Space Strategy**.
51. All the contributions and obligations referred to above are consistent with Core Strategy policies CS2 and CS3, which together seek to provide healthy and sustainable communities by securing contributions from any development expected to necessitate additional or improved infrastructure or exacerbate an existing deficiency. They are reasonably related in scale and kind to the needs generated by the proposed development and I am content that they meet the relevant tests.

Overall Planning Balance and Conclusions

52. I have found that the proposal would conflict with policy DM4. There was much discussion in this regard as to whether the policy is out of date. Numerous appeal decisions were drawn to my attention which deal with that in different ways. For the purposes of this appeal, I have treated the policy as being not out of date. That is not to say that I necessarily endorse that view, but I have adopted it in order to carry out the planning balance. As noted at the start, there is also disagreement between the parties as to whether the Council can demonstrate a robust five year supply of housing land. For the purposes of this **appeal and the carrying out of the planning balance, I accept the Council's** position that it can demonstrate a supply. Again, that is not to be taken as meaning that I agree necessarily, it is simply a pragmatic approach in the circumstances that prevail here.
53. In light of the forgoing, the so called 'tilted balance', as expressed through paragraph 11d) of the Framework, is not engaged. That leaves the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The combined benefits of the scheme in this case are substantial. Even were I to treat the conflict with policy DM4 as meaning that there would be conflict with the development plan as a whole, I consider in this instance, having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, that those benefits amount to material considerations, sufficient in this case given the very site specific context of the scheme to outweigh the harm arising through the conflict with policy DM4 and the very limited harm in terms of character and appearance and the potential loss of BMV. In my view, the benefits in this case outweigh the identified harms such that there is no conflict with the Framework when assessed overall. After very careful consideration I conclude, on balance, that the scheme can be considered as sustainable development and that the appeal should succeed.
54. There is clearly strong local feeling about this proposal, as reflected by the volume of objections received and the articulate opposition demonstrated at the Hearing. I recognise therefore, that this decision will be disappointing for local residents. However, the views of local residents, very important though they are, must be balanced against other considerations. In coming to my conclusions on the issues that have been raised, I have taken full and careful

account of all the representations that have been made, which I have balanced against the provisions of the development plan and the National Planning Policy Framework. For the reasons set out above however, the balance of considerations in this case lead me to conclude, overall, that the appeal should succeed.

Conditions

55. Possible conditions were discussed in detail at the Hearing on a without prejudice basis in the light of the related advice in both the Framework and the **Government's Planning Practice Guidance**. The conditions and wording set out in the attached schedule reflect that discussion and are based on the wording in Doc 7 listed below.
56. Conditions 1, 2 and 3 in the attached schedule relate to the submission of reserved matters and the commencement of development. To provide certainty, it is necessary to identify the plans to which the decision relates, but only insofar as they relate to the matter of access which is not reserved for subsequent approval. (4) Whilst all matters other than access are reserved for further approval, it is necessary for the outline permission to define the maximum capacity of development. (5)
57. In the interest of protecting the established character and appearance of the area and the role and function of the Important Gap, it is necessary to ensure that development of the site is in general accordance with the principles set out in Development Framework Plan (No 674A-30C) and the Design and Access Statement. (6) The wording originally suggested by the Council included reference to a number of details that would be the subject of the reserved matters applications and so are unnecessary at this point. The amended wording that I have used reflects the related discussion.
58. Any pedestrian access additional the arrangements shown on the approved plans shall not be constructed other than in accordance with details to be submitted to and approved by the local planning authority to ensure that it is constructed to a sufficiently high quality for the intended purpose and in appropriate materials, in accordance with Core strategy policy DM3. (7) Since the scheme is not dependant on the provision of any such, it is not necessary to secure provision prior to first occupation of any dwelling.
59. Conditions 8-13 are necessarily worded as pre-commencement conditions.
60. Details of proposed ground levels and proposed finished floor levels are necessary in the interest of visual amenity and to protect the outlook and privacy of adjoining occupiers. (8) In order to avoid pollution and to prevent increased risk from flooding, it is necessary to secure details of a sustainable surface water drainage scheme, together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended, in accordance with Core Strategy policy CS13. (9) In order to minimise disruption during construction for local residents and those travelling through the area in the interest of highway safety and to protect the environment, condition 10 secures a Construction Environmental Management Plan. I have deleted the suggested requirement for monitoring and review of the construction process which is unnecessary given the requirement for a consultation and complaints management procedure to be agreed.

61. An Ecological Enhancement Strategy is necessary in order ensure the protection and enhancement of biodiversity and nature conservation interests, in accordance with policy CS18 of the Core Strategy. In the absence of any indication that **the appellant's** Ecological Assessment and required mitigation and enhancement measures set out therein is deficient in some way, there is no need to secure the suggested review of site potential and constraints. (11)
62. **The appellant's** Heritage Statement identifies low potential for archaeological remains to be encountered on the site, which does not preclude its development. A condition is required though to allow for any historical and archaeological potential that is uncovered to be recorded during the construction process, in accordance with Core Strategy policy CS15. (12)
63. Pursuant to policies DM1 and DM2 of the Core Strategy, it is necessary to require a proportion of energy sources to be renewable or low carbon and for water efficiency measures to be provided. (13)
64. Conditions 14-17 are necessarily to be complied with prior to first occupation of any dwelling. Conditions 14 and 15 are required in the interest of highway and pedestrian safety in accordance with policies CS4 and DM3. Condition 16 is necessary to encourage reduced reliance on the private car by promoting use of public transport and sustainable modes of transport in accordance with policy DM9. Condition 17 requires the provision of fire hydrants in order to ensure that adequate water infrastructure is available on site for the local fire service to access and tackle any property fire.
65. Given the proximity of the site to a long disused tip, it is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment. (18)
66. A condition relating to any external lighting is necessary in the interest of visual amenity and to mitigate disturbance to wildlife, in accordance with policy CS14. (19)

Jennifer A Vyse
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christian Hawley, of Counsel	Instructed by Planning Prospects
Jason Tait	Director, Planning Prospects
BA(Hons) DipTP MRTPI	
Chris Dodds	Associate Director, Planning Prospects
BA(Hons) MA MRTPI	
Nichola Jacob	Partner, Randall Thorp
BA(Hons) MLA CMLI	
Tom Baker	Associate Director, Savills
MSc MRTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Alexander Booth, of Queen's Counsel

Phillip Hughes	Principal, PHD Chartered Town Planners
BA(Hons) MRTPI	
Jonathan Lee	Opinion Research Services
BSc MCI LARIA	
Julia Scott*	Landscape officer with Central Bedfordshire Council
BA CMLI	

*Mrs Scott spoke to the written statement of Alison Myers, submitted as part of the **Council's evidence**.

INTERESTED PERSONS:

Mrs Mary Walsh	Planning Volunteer and Trustee, Campaign For Rural England
David Lawson	Local resident
John Hutchins	Local resident
Catherine Routh	Local resident
Simon Fish	Local resident
Mrs Sadler	Local resident
Karen Hicks	Local resident
Brian Walker	Local resident
Brian Hogarth	Local resident
Trevor Brown	Local resident
Barry Livsey	Local resident
Clive Furr	Local resident
Mrs Herbert	Local resident
Gillian Evans	Local resident
Malcolm Kingsbury	Local resident
Ms Wischhusen	Local resident
Linda Harrison	Local resident
John English	Local resident
Bob Smith	Local resident

DOCUMENTS HANDED UP DURING THE HEARING

- Doc 1 Team sheet for the appellant
- Doc 2a Letter to the Council from the Local Plan Inspectors dated 30 September 2019
- Doc 2b **Council's response dated 14 October 2019**
- Doc 3 Natural England Technical Information Note TIN049 (Dec 2012) and an extract (page 35) of **the Government's publication 'A Green Future: Our 25 Year Plan to Improve the Environment'** (2018) – handed up by Mrs Walsh
- Doc 4 Written comments of Clifton residents (handed up by the Parish Council)

DOCUMENTS SUBMITTED AFTER THE HEARING

- Doc 5 Executed Undertaking
- Doc 6 Appeal Decision Park Farm, Westoning (APP/P0240/W/18/3204513)
- Doc 7 Revised conditions schedule reflecting related discussion at the Hearing

Schedule of Conditions
Appeal APP/P0240/W/18/3211229
Land off Broad Street, Clifton

Reserved Matters

- 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 begins. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin no later than one year from the date of approval of the last of the reserved matters to be approved.

Plans

- 4) The development hereby permitted shall be carried out in accordance with the details shown on Proposed Access Plan No ITM13310-SK-004c, but only insofar as it relates to access to the site.

Development Parameters

- 5) No more than 80 dwellings shall be constructed on the site.
- 6) All reserved matters shall be in general accordance with the principles for the development of the site as set out on the Development Framework Plan No 674A-30C and in the Design and Access Statement, with development to be carried out in accordance with the approved details.

Access

- 7) Other than as shown on Plan No ITM13310-SK-004c, no pedestrian access to the site shall be formed, created or provided other than in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

Pre-Commencement Conditions

- 8) No development shall take place, including works of site clearance, unless and until details of the proposed ground levels within the site and finished floor levels of the dwellings hereby permitted, relative to an existing fixed datum, have been submitted to and agreed in writing by the local planning authority. Development is to be carried out in accordance with the approved details.
- 9) No development shall take place, including works of site clearance, unless and until a sustainable drainage scheme for the site based on the agreed Flood Risk Assessment and Drainage Strategy (12 January 2018) and an assessment of the hydrological and hydrogeological context of the site, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed in accordance with the approved details. The submitted scheme shall:
 - i) provide information about the extent of impermeable area, peak flow rate and storage requirement, with full calculations and methodology;
 - ii) include provision of attenuation for the 1 in 100 year event (+ 40% climate change) and demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event (plus climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event;

- iii) include a timetable for implementation of the scheme, including any phasing; and,
 - iv) provide a management and maintenance plan for the scheme for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 10) No development shall take place, including works of site clearance, unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in full accordance with the approved CEMP which shall remain in force for the construction period. The CEMP shall include, but is not confined to, details of:
- the hours during which construction work, including works of site clearance, and deliveries to/from the site can take place;
 - construction traffic routes and points of access/egress to be used by construction vehicles;
 - site management arrangements including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
 - on-site wheel cleaning facilities;
 - dust mitigation and suppression measures;
 - a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
 - protection measures for all retained trees and landscaping, including details of protective fencing and its position relative to all retained trees and hedgerow;
 - a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use, recycling;
 - the procedure for consultation and complaint management with local business and neighbours.
- 11) No development shall take place, including works of site clearance, unless and until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in full accordance with the approved EES, with all features retained thereafter. The EES shall include, but is not confined to the following:
- details of the purpose of and conservation objectives for the development hereby permitted, informed by a review of the ecological assessment;
 - detailed design(s) and/or working method(s) to achieve the agreed conservation objectives;
 - the extent and location/area of proposed works on appropriately scaled plans, including type and source of materials to be used where appropriate;

- a timetable for implementation;
 - persons responsible for implementing the works;
 - details of initial aftercare and long-term maintenance and management.
- 12) No development shall take place, including works of site clearance, unless and until a written scheme of archaeological investigation and resource management has been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved scheme, which shall include, but is not confined to:
- i) an assessment of significance based on a staged approach;
 - ii) the programme and methodology of site investigation and recording;
 - iii) a programme for post investigation assessment;
 - iv) provision for analysis of the site investigation and recording;
 - v) provision for publication and dissemination of the analysis and records of the site investigation;
 - vi) provision to be made for archive deposition of the analysis and records of the site investigation;
 - vii) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.
- 13) Before commencement of any above ground works associated with the construction of any dwelling, a scheme of measures to source 10% of the energy demand for the development from renewable or low carbon sources, and to ensure that the development achieves a water efficiency standard of 110 litres per person per day (105 litres for internal use plus 5 litres for external use) shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and no dwelling shall be occupied unless and until the approved measures for it are in place and operational.

Pre-Occupation Conditions

- 14) No dwelling shall be occupied until the junction of the vehicular access with Broad Street, including pedestrian access points and visibility splays of 2.4 x 90 metres, has been constructed in accordance with the details shown on drawing No ITM13310-SK-004c. Thereafter, the visibility splays shall be kept permanently clear of any obstruction to visibility.
- 15) No dwelling shall be occupied unless and until the footway along the site frontage onto Broad Street has been increased to 2 metres in width and a traffic calming scheme along Broad Street has been implemented, all in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
- 16) No dwelling shall be occupied unless and until an updated residential travel plan which has previously been submitted to and approved in writing by the local planning authority, has been implemented in accordance with the approved details. The travel plan shall include, but is not confined to, details of:
- predicted travel to and from the site and targets to reduce car use;
 - existing and proposed transport links, including links to pedestrian, cycle and public transport networks;
 - measures to minimise private car use and facilitate walking, cycling and use of public transport;

- a timetable for implementation of the agreed measures designed to promote travel choice;
 - provision for monitoring, reviewing and updating the travel plan annually for a period of five years;
 - marketing and publicity for sustainable modes of transport to include site specific welcome packs. The welcome packs are to include:
 - walking, cycling, public transport routes to/from/within the site
 - site specific travel and transport information, including copies of relevant bus and rail timetables
 - travel vouchers incentives
 - details of the appointment of a travel plan co-ordinator
- 17) No dwelling shall be occupied until a fire hydrant serving that property has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

Contamination

- 18) Any contamination found during the course of development not previously identified shall be reported immediately to the local planning authority. Development on the affected part of the site shall be suspended until an investigation strategy and risk assessment and, where necessary, a remediation strategy and verification plan dealing with how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing by the local planning authority. No dwelling on that part of the site shall be occupied until the measures identified in the approved remediation strategy and verification plan have been completed, and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.

Lighting

- 19) No external lighting (excluding that in residential curtilages relating to domestic properties) shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

-----END OF SCHEDULE-----



Appeal Decision

Site visit made on 24 May 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/Y3940/W/21/3285458

Land at Sutton Lane, Sutton Benger, Wiltshire SN15 4RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hills Homes Developments Limited against the decision of Wiltshire Council.
 - The application Ref 20/03487/FUL, dated 24 April 2020, was refused by notice dated 30 April 2021.
 - The development proposed is residential development of 21 dwellings with associated infrastructure, landscaping and construction of new access onto Sutton Lane.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of 21 dwellings with associated infrastructure, landscaping and construction of new access onto Sutton Lane at Land at Sutton Lane, Sutton Benger, Wiltshire SN15 4RR in accordance with the terms of the application, Ref 20/03487/FUL, dated 24 April 2020, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. The appellant has submitted 3 signed unilateral undertakings (the UUs) pursuant to section 106 of the Act – the first dated 5 May 2022 and the others dated 18 May 2022. The initial UU is signed by all signatories. The later UU's are the same but signed by different signatories. All 3 UUs include similar planning obligations relating to the provision of affordable housing, as well as financial contributions towards off-site play and recreation provision, the village hall, waste and recycling bins, air quality monitoring services and the provision of places at secondary schools in Chippenham. The 5 May 2022 UU includes an additional obligation that requires a management company to be set up to maintain open areas that form part of the development. I have taken account of the UUs in my assessment.
3. Reference is made in the submissions to an emerging Sutton Benger Neighbourhood Plan. However, this is at an early stage towards adoption and so I have attached limited weight to its contents in my assessment.
4. As well as this appeal, I have also determined a separate appeal¹ for a development of up to 24 dwellings and associated infrastructure at a nearby site to the east of Church View (hereafter referred to as the Church View proposal). While each appeal has been considered as a separate entity, I have

¹ Appeal ref no APP/Y3940/W/22/3292118

taken account that I have allowed this other appeal as a material planning consideration in my assessment.

Main Issues

5. The main issues are (i) whether the development would be in a suitable location having regard to the policies of the development plan, the National Planning Policy Framework (the Framework) and accessibility to services, (ii) its effect on the character and appearance of the area, and (iii) the aforementioned planning obligations.

Reasons

Suitability of the location

6. Under Core Policy 10 of the Wiltshire Core Strategy 2015 (the CS), Sutton Benger is identified as a large village. CS Core Policy 1 defines large villages as those with a limited range of services and restricts development to that needed to help meet local housing needs. There is limited evidence that demonstrates any particular need for housing in Sutton Benger and indeed reference is made to various recent developments in the village. In the absence of such evidence, the development would be contrary to CS Core Policy 1.
7. Moreover, the site lies outside, albeit close to, the defined boundary for Sutton Benger. CS Core Policy 2 states that development outside settlement limits would not normally be permitted unless for one of the circumstances set out in paragraph 4.25 of the CS. None of these apply in this case and so in these regards the development would be contrary to CS Core Policy 2. Also, the proposal would not accord with policy H4 of the North Wiltshire Local Plan 2001 (LP) which allows only replacement dwellings or residences required in connection with a rural enterprise on sites outside settlements.
8. Paragraph 4.15 of the CS states that development at large villages will predominantly take the form of small housing schemes of less than 10 dwellings. However, paragraph 4.15 does not form part of any CS policy and the use of the word "predominantly" indicates that this is not a firm requirement. As such, the failure of the development to comply with the terms of paragraph 4.15 is afforded limited weight.
9. The Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Due to their proximity, it is probable that residents of the proposed housing would use the range of facilities in Sutton Benger which includes a primary school, village hall, recreation facilities, pubs, post office and doctors' surgery. As such, the development would help sustain the vitality of the village.
10. All the village facilities would be within a reasonable walking distance from the development. Also, new pavements are proposed on Sutton Lane to assist safe pedestrian movement between the development and Chestnut Road where the primary school, village hall, recreation ground and doctors' surgery are located. This proposed pavement would not lie within the appeal site but it would be part of the public highway and so it would be reasonable to impose a Grampian style condition to secure its provision.
11. The proposed pavement would not provide a complete link to Chestnut Road and there would be a gap where pedestrians would need to walk in the road.

Also, walkers from the development would need to cross Sutton Lane to access local facilities. However, from my observations the road is lightly trafficked with slow vehicle speeds. As such, the route to the village facilities would feel safe even where gaps in the pavement would require pedestrians to walk in the carriageway. Moreover, the footway would improve safety for walkers between existing residences on Sutton Lane and the rest of the village.

12. Furthermore, the development would be within a reasonable walking distance of local bus stops. These would provide occupiers of the dwellings with reasonable access to bus services that run on weekdays and on Saturdays. The number of buses is limited but even so the services would provide an opportunity to travel by public transport to Chippenham and to a wider range of facilities. Also, the development would be within a reasonable cycling distance from Chippenham.
13. Notwithstanding the above, it is highly likely that a significant proportion of trips to and from the development would be by car. In particular, this is likely to be the mode of travel to shops, higher order leisure facilities and work places. In these regards, the development would not reduce the need to travel by car and so it would not accord with CS Core Policies 60 and 61. However, the proposed extensions of roadside pavements would promote walking and consequently the use of local bus services. In these regards, the development would comply with the terms of the Framework. Also, I have taken into account that the opportunity to maximise sustainable transport solutions will vary between urban and rural areas, as emphasised in the Framework.
14. Having regard to its location outside the settlement boundary, the lack of evidence to show it would meet a local need and its scale, I find the proposed development would be contrary to the CS spatial strategy. Also, in light of the paucity of higher order facilities and places of employment within the village, it would not entirely reduce the need to travel by car. For these reasons, I conclude the development would not be in a suitable location having regard to CS Core Policies 1, 2, 10, 60 and 61 as well as LP policy H4. The harm caused in these respects is tempered by the scheme's accordance with the Framework's provisions on the location of rural housing and the potential for residents to walk to the facilities and public transport links in the village. The Council's refusal reasons also refer to CS Core Policy 48. This is irrelevant as the proposal would not be a type of development referred to in the policy.

Character and appearance

15. The site is a grassed field with hedgerow and trees on the boundaries to Sutton Lane and to the fields to the south and east. A residential cul de sac called Sutton Gardens and Sharplands lies to the north. Also, the site is next to allotments that lie to the south of properties that face onto Sharplands.
16. The site has a sense of the countryside due to the absence of buildings as well as the boundary vegetation. However, it is visually separated from the extensive tracts of fields to the south and east by trees and hedges. Moreover, its proximity to the houses on Sutton Gardens and Sharplands leads to an edge of village or semi-rural character.
17. The proposal would result in a more developed and domestic character to the site. Also, the creation of the proposed access would form a gap in the roadside hedgerow which to a minor degree would reduce the vegetated, visual qualities

- of the road. Even so, the development would have a close relationship to Sharplands and Sutton Gardens, even if it would not be directly adjacent to any existing residences. As such, the development would not be significantly out of keeping with its surroundings and it would not appear isolated from the village.
18. The new access and the few gaps in the roadside vegetation would allow views from the highway of the development. Such views would undermine the open countryside nature of the locality. Moreover, the proposal would be seen further along the road to the south when approaching the village. Currently from these viewpoints the houses in the adjacent cul de sac are already visible. As such, the proposal would have the effect of bringing the built up extent of the village slightly further southwards.
 19. The development would also be clearly seen from the allotments, Sharplands and Sutton Gardens. From these vantage points, the resulting encroachment of the village into the surrounding countryside would be more readily apparent. As well as the visual effect of new buildings and roads, the introduction of domestic activities as well as the coming and going of vehicles would diminish the tranquillity of the area. In addition, the development would lead to new light sources that would affect the night time scene and would be detrimental to the rural feel of the locality.
 20. The Council refers to other possible viewpoints of the development including public rights of way to the south, east and north as well as from the recreation ground in the village. Given the separation distances and intervening vegetation and buildings, the development would not be prominent from such vantage points. Where seen, it would be read with the nearby houses at Sharplands, Sutton Gardens and along Sutton Lane.
 21. Elements of the development would be near to the site boundaries but the buildings would be positioned so as to allow the retention of most of the boundary vegetation and the provision of additional planting. As such, the proposal would avoid a sharp and insensitive interface with the wider countryside. Nonetheless, it is likely the houses would have a visual influence on the adjacent fields.
 22. The village contains a number of residential cul de sacs and so the proposed development would follow a common layout form. The amount of proposed hardstanding would not be particularly excessive and the incorporation of plots with front gardens would ensure the development is not overly car dominated. Also, it would not appear uncharacteristically dense. The affordable housing would be similar to some of the open market units and so it would be a tenure blind scheme. In general terms, the development would be similar in style and appearance to the nearby Sharplands and Sutton Gardens.
 23. In summary, the proposal would significantly erode the rural aspects of the site. This effect would be noticeable to a limited degree from the road, adjoining fields and viewpoints further away. However, it would represent a marked visual change to the setting of the allotments and in views looking southwards from Sharplands and Sutton Gardens. The development would not appear isolated or out of keeping with its surroundings and it would be of an appropriate high quality design. Even so, it would represent an encroachment into open countryside, albeit a minor extension compared to the built up extent of the village as a whole. As such, the development would be harmful to the character and appearance of the area and in these regards it would not accord

with CS Core Policies 51 and 57. Amongst other things, these seek to protect landscape character and natural features.

Planning obligations

24. There is no dispute between the main parties that the aforementioned planning obligations are fair and reasonable. Also, it is agreed the planning obligations are necessary to address the Council's objections as set out in its 4th refusal reason. I find no reason to disagree with the parties on these matters.
25. The Council's refusal reason on planning obligations refers to highway improvement works. However, its appeal submissions indicate the construction of new pavements within the highway could be reasonably secured by a planning condition. No other highway improvement works are referred to and so I find no reason for a planning obligation that covers this issue.
26. The 5 May 2022 UU includes a planning obligation setting out specific requirements regarding the management of open space through a management company. This is not referred to as being necessary in the Council's submissions. The maintenance of planting that falls within the public parts of the development is needed to ensure its satisfactory appearance. However, in the absence of any clear explanation I am not persuaded that this needs to be carried out by a management company as specified under the terms of the UU. Therefore, I consider this planning obligation is unnecessary to make the development acceptable in planning terms. Instead, it is reasonable to impose a planning condition that covers the issue.
27. Unlike the initial UU dated 5 May 2022, the UUs dated 18 May 2022 are laid out and worded in a format preferred by the Council. The later UUs also include additional clauses that relate to actions and charges should the owner of the site fail to provide required notifications, registration of the UU and an indemnity. There is no evidence or reference to planning policy that supports the inclusion of such clauses but they have no effect on the planning obligations. Without any evidence to the contrary, I am satisfied the UUs are legally sound.
28. For the above reasons, I conclude that, apart from that which relates to a management company, the planning obligations are fair, reasonable and necessary and the UUs would be effective in securing the obligations. As such, the development would accord with CS Core Policies 3, 43, 45 and 52 and LP policy CF3.

Other considerations

29. Several other concerns have been raised. The appellant's transport statement demonstrates that the development would lead to only a modest increase in traffic. Even when taking into account the traffic generated by the Church View proposal and other schemes in the wider area, there is no substantive evidence to show the development would lead to highway capacity problems. The proposal would be served by appropriate vehicular and separate pedestrian accesses and it would not prejudice highway safety.
30. Information on drainage for the scheme has been accepted by the Council's drainage engineer and Wessex Water also raise no objections. As such, I am satisfied a planning condition could be reasonably imposed to ensure surface water is disposed of appropriately and without increasing flood risk elsewhere.

There is no firm evidence such as flood risk maps to show that the development would be at flood risk. The sewerage treatment site would be far enough away to avoid odour problems for future occupants.

31. The development would be set away from the boundary of Sutton Benger Conservation Area (CA) with intervening properties and vegetation. Due to this lack of intervisibility, the proposal would preserve the setting, character and appearance of the CA. Additional traffic as a result of the development would have no meaningful effect on the significance of any heritage assets.
32. There is no evidence to demonstrate that any features of wildlife importance would be harmed by the development and the Council accepts the appellant's claim that the scheme would enhance the site's biodiversity value. I find no reason to arrive at a different opinion on this matter.
33. It is suggested that the site includes grade 2 agricultural land which would be lost as a consequence of the development. However, it is an enclosed, small plot with no obvious purpose and so the development would cause no harm of any significance through the loss of agricultural land.
34. I note concerns that the proposal would lead to additional use of the village surgery and extra demand for places at the primary school. However, there is no firm evidence to show that the development on its own or with the Church View scheme would lead to unacceptable pressure on local health services. Also, the information provided by the Council indicates that the school has capacity to accommodate pupils from this and the Church View scheme. There is no reason for me to arrive at a different opinion on these matters.
35. The concerns raised fail to justify dismissing the appeal. As such, they do not affect my overall assessment.

Housing land supply and planning balance

36. For the reasons set out in respect of the first and second main issues, the proposal would not accord with development plan policies when read as a whole. It follows to consider whether other factors justify allowing the appeal contrary to the development plan.
37. The Framework requires local authorities to identify a supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing. With reference to the Annual Housing Monitoring Report April 2022 (AHMR), the Council states it can demonstrate 4.72 years of supply for the county as a whole. Also, it sets out the various actions taken to address the shortfall in housing supply. These include granting planning permissions for residential development sites in Sutton Benger, in the wider local housing market area and elsewhere in the county. It is suggested that housing delivery figures show the land supply position is improving.
38. The appellant contends that the AHMR overstates the amount of available housing land and suggests a figure of 4.57 years supply instead. Irrespective as to whether this case is accepted or not, the Council is currently unable to show the minimum 5 year supply. In such circumstances, paragraph 11 of the Framework states that relevant development plan policies which are most important for determining the appeal are deemed out-of-date. Planning permission should be granted unless the adverse effects of doing so would

- significantly and demonstrably outweigh the benefits when assessed against the Framework's policies.
39. Even if the 4.72 year figure is accepted, the proposal would make a meaningful contribution towards addressing the identified shortfall in housing land supply. Moreover, 8 of the proposed units would be affordable, so helping to ensure an appropriate mix of units to meet a variety of accommodation needs and demands. Given these factors and the scale of the development, I attach considerable weight to the scheme's benefits in terms of housing provision.
40. In addition, the proposal would create construction jobs and it would be close enough to allow occupants to support village services. These economic benefits attract moderate weight. The planning obligations would address needs raised by occupiers of the development but enhancements from contributions towards sports pitches and courts and the village hall would also benefit the existing population. This attracts limited weight in support of the scheme.
41. In terms of adverse effects, the Framework reiterates that the development plan is the starting point for decision-making. However, paragraph 11 advises that where the tilted balance applies, there may be justification to grant planning permission contrary to the development plan.
42. The proposal would not accord with the CS spatial strategy and development plan policies on the location of housing. However, the weight to be attributed to this conflict is reduced as the development would accord with the Framework's aim to locate rural housing where it would maintain the vitality of communities. Also, in line with the Framework, the scheme would allow the potential for walking, cycling and public transport trips to some facilities, despite the reliance on the private car to access places of employment and higher order services. As such, I attach only moderate weight to the unsuitability of the development's location. In arriving at this view, I have had regard to the cumulative effects of previous housing developments allowed in the village as well as the effects of the Church View proposal.
43. The scheme would go against the aim of the Framework to ensure development recognises the intrinsic character and beauty of the countryside. Given the particular effects of the scheme, the harm in these regards attracts moderate weight in my assessment.
44. When considering all factors together, I find the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits when assessed against the Framework. As such, the presumption in favour of sustainable development at paragraph 11 of the Framework applies. In such circumstances, the Framework states planning permission should be granted.
45. The scheme would conflict with development plan policies when read as a whole. However, for the reasons given above, its benefits and other considerations are of sufficient weight to justify granting planning permission contrary to the development plan.

Conditions

46. I have considered the conditions suggested by the Council, having regard to the tests in the Framework. Where appropriate, I have amended the wording for precision reasons and to avoid unnecessary pre-commencement conditions.

47. A condition setting out the approved plans is imposed for reasons of clarity and to ensure the development is carried out as proposed. A construction management plan is needed to avoid harm to the living conditions of nearby residents, to the environment and to highway safety. To protect and enhance the biodiversity of the site a condition is included that requires the development to be carried out in accordance with the appellant's ecological report. To protect trees, a similar condition is needed that refers to the submitted tree report.
48. A drainage condition is required to prevent flood risk and ensure surface water is disposed of appropriately. A condition is imposed regarding materials to be used in the construction of buildings as the level of detail provided is inadequate to ensure a satisfactory appearance. However, sufficient information on means of enclosure are shown on the approved drawings and so the suggested condition in this regard is not needed. Conditions requiring the approval, implementation and management of a landscape scheme are included as the schematic details before me are insufficient to ensure an acceptable effect on the character and appearance of the area.
49. In the interests of highway safety, conditions are included that relate to the access, parking and turning areas as well as visibility splays. To encourage sustainable means of travel, conditions regarding off-site pavements and cycle parking are imposed. A condition restricting the conversion of garages is needed to ensure sufficient parking space is provided. However, a condition preventing the installation of artificial lighting would be unreasonable given the residential nature of the scheme. Therefore, this condition is not imposed.

Conclusion

50. For the above reasons, I conclude that the appeal should succeed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16.096.001 Rev E; 16.096.101 A; 16.096.102 A; 16.096.103 A; 16.096.104 A; 16.096.105 A; 16.096.106 A; 16.096.107 A; 16.096.111 A; 16.096.113 A; 16.096.114 B; 16.096.116; 16.096.117; 16.096.118; 16.096.119; 16.096.120; 16.096.121; Typical Bike Store; DR-C-053 P03; DR-C-002-P04; DR-C-100-P07; 16.96.500 Rev H; 16.096.501.Rev.H; 18024-200-01.
- 3) The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- an introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- a description of management responsibilities;
- a description of the construction programme;
- site working hours and a named person for residents to contact;
- detailed site logistics arrangements;
- details regarding parking, deliveries, and storage;
- details regarding dust and noise mitigation; and
- communication procedures with the local planning authority and local community regarding key construction issues – newsletters, fliers etc.

Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts. Stone crushing shall be limited to 1030 to 1530 Monday to Friday with no crushing at weekends or bank holidays.

There shall be no burning undertaken on site at any time. Construction hours shall be limited to 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no working on Sundays or Bank Holidays. The development shall be carried out in accordance with the approved CEMP.

- 4) The development shall be carried out in strict accordance with the recommendations as set out in the supplemental preliminary ecological appraisal dated 11 November 2020 by Chalkhill Environmental Consultants.
- 5) The development shall be carried out in strict accordance with the provisions of the aboricultural impact assessment incorporating tree survey, tree protection plan and aboricultural method statement, dated 15 April 2020, by SJ Stephens Associates.
- 6) Apart from the construction of the access or the excavation of foundation trenches, no development hereby permitted shall commence until a scheme for the discharge of surface water (including surface water from the access and driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
- 7) Prior to the commencement of construction works of any of the buildings hereby permitted, samples of the materials to be used for the external walls and roofs of the buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of construction of any of the buildings hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The details shall include:-
 - location and current canopy spread of all existing trees and hedgerows on the land and full details of any to be retained;

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall be carried out in accordance with the approved details prior to the occupation of any part of the development.

- 9) No part of the development shall be first occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the local planning authority. The landscaped areas shall be managed in accordance with the approved details.
- 10) No part of the development shall be first occupied until the access, parking spaces and turning areas have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.
- 11) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.
- 12) No part of the development shall be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for such uses thereafter.
- 13) No part of the development shall be first occupied until details of a new footway from the site along Sutton Lane have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until a footway has been provided in accordance with the approved details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.



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 B², 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 Pycroft³, 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 purposes⁴ the relevant components of the development plan are the jointly prepared⁵ 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 closing⁶ 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 Framework⁷ 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 law⁸ 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 ground¹⁰ 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 iteration¹³ 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 14¹⁴ 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 2017¹⁷ 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 Statement¹⁸, 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-operate¹⁹, and also the object of national policy to boost significantly the supply of housing²⁰, 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 me²² 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 demonstrates²³ 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 Chorley²⁴, 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 planned 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 overall³⁵) 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 2017³⁶ 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 established 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 legislation³⁷ 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 ground³⁹ 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 evidence⁴³ 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 Council⁴⁴ 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
Tim Brown BA MRTPI

Ward Councillor
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.



Appeal Decision

Inquiry Held on 7-10, 14 and 15 December 2021

Site visit made on 15 December 2021

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/R3650/W/21/3278196

Land west of Loxwood Road, Alford, Surrey, GU6 8HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Merchant Seamans War Memorial Society and Thakeham Homes Limited against the decision of Waverley Borough Council.
 - The application Ref WA/2020/1684, dated 30 October 2020, was refused by notice dated 5 March 2021.
 - The development proposed is the demolition of Hollyoak and erection of 99 dwellings (including 30% affordable provision) and associated highways and landscape works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of Hollyoak and erection of 99 residential dwellings (including 30% affordable housing), associated highway and landscape works, and removal of oak subject to Tree Preservation Order 20/20 at land west of Loxwood Road, Alford, Surrey in accordance with the terms of the application, Ref WA/2020/1684, dated 30 October 2020, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. After the permission was refused the Appellants proposed an amendment to the description of the proposed development to include a reference to the removal of an oak tree subject to Tree Preservation Order 20/20. The revised wording is as follows:

"Demolition of Hollyoak and erection of 99 residential dwellings (including 30% affordable housing), associated highway and landscape works, and removal of oak subject to Tree Preservation Order 20/20".

The Council raised no objection to this. Therefore, I shall determine this appeal on the basis of the revised description of the proposed development.

3. In addition to the Landscape Strategy that was submitted with the application,¹ the Appellants submitted some minor amendments to the Landscape Strategy comprising further planting along the western and northern boundaries of the appeal site. This would take the form of a native species hedgerow on the western boundary and a belt of native shrub planting and native trees along the

¹ Landscape Strategy - Ref 657-01- Landscape Collective, October 2020

northern boundary. The main parties agreed that the Revised Landscape Strategy (Drawing No 657/01A)² would not materially change the proposal and no one would be prejudiced because they might have been denied an opportunity to comment. Therefore, I have taken the Revised Landscape Strategy into account in the determination of this case.

4. The following Statements of Common Ground (SoCG) were submitted to the Inquiry:
 - General SoCG;
 - Housing Land Supply SoCG; and
 - Transport and Highways Matters SoCG with Surrey County Council (SCC).
5. The application was supported by a number of plans, reports, and technical information. A full list of the plans on which the appeal is to be determined is set out in Section 10 of the General SoCG³ and a full list of the core documents forming part of the consideration of this appeal is also set out in Section 10 of the General SoCG.⁴
6. I held a Case Management Conference (CMC) online on 7 October 2021. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry, conditions, planning obligations, core documents, plans, the timetable for submission of documents and other procedural matters.
7. At the Inquiry a Planning Obligation was submitted.⁵ The Planning Obligation is made by an Agreement between the Appellants, Waverley BC and SCC under s106 of the TCPA 1990. The s106 Agreement secures: 30 affordable housing units on site; the maintenance of play space; the maintenance of Sustainable urban Drainage Systems (SuDS); the maintenance of open space; the provision of a Demand Responsive Bus Service; the provision of highway improvement contributions and the provision and monitoring of a travel plan. The s106 Agreement is signed and dated 22 December 2021 and is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Statement⁶ was also submitted in support of the Planning Obligation. I return to the Planning Obligation later in this decision.
8. Following the submission of the Planning Obligation at the Inquiry, and the earlier submission by the Appellants of a noise impact assessment that considered the likely effects of the proposed development on properties either side of Hollyoak, the fourth and fifth reasons for refusal (RfR) contained in the Council's decision notice of 5 March 2021 were not pursued at the Inquiry.
9. The appeal proposal was screened for Environmental Impact Assessment (EIA) by the Council, and it was determined that EIA was not required. I agree with the negative screening that was undertaken by the Council.

² Appendix 2 of Joanna Ede's proof of evidence

³ CD 9.4. The parties are agreed that Plan SK_001 which relates to the existing elevations and floorplans of Hollyoak, which is proposed to be demolished as part of the appeal proposals, is also relevant and should be taken into account in the decision.

⁴ Ibid

⁵ APP13

⁶ LPA7

Main Issues

10. In the light of the above I consider the main issues are:
- (i) *Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy;*
 - (ii) *The effect of the proposed development on the character and appearance of the area; and*
 - (ii) *Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 d) of the NPPF is engaged.*

Reasons

Planning Policy Context

11. The appeal site comprises 5.91 hectares of land to the west of Loxwood Road, Alford. The site sits behind the existing line of dwelling houses along Loxwood Road and would be served via the creation of a new access road onto Loxwood Road. The appeal site is outside of but adjoining the settlement boundary. The appeal site predominantly comprises agricultural land (Grade 3b), with the exception of a single property, named Hollyoak, which fronts Loxwood Road, and a portion of highway land along Loxwood Road. The topography of the appeal site is generally flat. An oak tree (T93) to the rear of Hollyoak is subject to a Tree Preservation Order 20/20.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan for the appeal site comprises the policies of the Waverley Local Plan Part 1 (2018) (LPP1);⁷ and the saved policies of the Waverley Borough Local Plan (2002) (Saved Policies 2007) (the 2002LP).⁸
13. The development plan policies that are relevant to this appeal are agreed by the main parties and are set out in the General SoCG⁹ at paragraph 6.3. There is no need for me to repeat these policies here.
14. The Council is in the process of preparing a new Local Plan, but this is at a very early stage. The Waverley Borough Council Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) was formally submitted for examination by the SoS on 22 December 2021. It therefore has limited weight at the present time.
15. The Alford Parish Council has undertaken to prepare a Neighbourhood Plan (the Alford Neighbourhood Plan) (ANP). A consultation draft has not yet been prepared. It is currently expected that the plan will move to Regulation 14 stage in Spring 2022. It therefore has limited weight at the present time.
16. At the Inquiry there was some debate as to what constituted the most important policies, whether they are out-of-date and the weight that should be attached to each policy. Paragraph 11 d) of the NPPF is precise in its language

⁷ CD4.1

⁸ CD4.4

⁹ CD9.4

Its reference to 'application' rather than 'appeal' means it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. However, "most important" policies do not mean "all relevant" policies and it is a matter of judgement for the decision maker to decide what these may be. Case law has determined that it is the basket of most important policies as a whole that is the relevant consideration.

17. There was no agreement between the main parties as to what constituted the most important policies in this case. I consider that most of the policies referred to in the reasons for refusal fall within this category. I also consider that Policy ST1 (Sustainable Transport) which is not quoted in the reasons for refusal should be considered most important for the determination of this appeal.
18. The most important policies to this application proposal are thus as follows:
 - LPP1: Policies SP2, ALH1, ST1, RE1, RE3, TD1, NE1 and NE2,
 - 2002LP: Policies D1, D4 and D7.
19. Other policies, although not considered the most important, are still of some relevance:
 - LPP1: SP1, ICS1, AHN1, AHN3, CC2, CC4 and LRC1
20. As to whether the basket of most important policies as a whole is out-of-date in the context of paragraph 11 d) of the NPPF and the weight that should be attached to each policy are matters that I shall return to later in this decision.

First Issue - Whether the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy

21. LPP1 Policy SP2 sets out the Council's spatial strategy for the area. In order to maintain Waverley's character whilst ensuring that development needs are met in a sustainable manner, it seeks to focus the majority of development within four main settlements, with moderate and limited levels of development directed at second and third tier villages.
22. Alford falls to be considered as an 'other village' within the third tier of the settlement hierarchy. This positively worded policy is permissive of limited levels of development in and around 'other villages'. The appeal site is outside of the settlement boundary, albeit adjacent to it, in an area known as Alford Crossways. The policy goes on to recognise that those villages not within the Surrey Hills AONB or Green Belt offer more scope for growth. The appeal site does not lie within either of these areas but is considered to be countryside beyond the Green Belt.
23. The scope of limited levels of development in villages like Alford, as proposed in Policy SP2, needs to be understood in the context of Alford being a less constrained settlement. It is also in contrast to the 'modest growth' to meet 'local needs' for all villages except for those specified in Policy SP2.
24. LPP1 Policy SP2 does not define 'limited growth'. However, LPP1 Policy ALH1 distributes the amount and location of housing, identifying that at least 11,210 net additional homes are required in the period 2013 to 2032 (equivalent to at least 590 dwellings a year). Furthermore, it indicates that within the plan period

2013 to 2032 the parish of Alford is required to accommodate a minimum number of 125 homes. Whilst the policy does not establish a ceiling on the number of new dwellings to be accommodated, I accept that it does not allow for unlimited development.

25. The fact that the minimum number of 125 new homes in Alford has already been exceeded by completions and commitments (and the related fact that the size of Alford is doubling as a result of recent consents) is therefore not indicative of a policy breach. It adheres to the fact that growth in a less constrained settlement is to be supported and is consistently being supported on appeal. In my view, the number of homes in Alford that would arise from adding this appeal scheme (99 units) to the existing completions and commitments is neither "excessive" nor "disproportionate" in the words of the LPP1 Examining Inspector at paragraph 128 of his report.¹⁰ It is a question of looking at each application on a case by case basis.
26. As I perceive it there is no cap imposed in the Policy ALH1. If the Examining Inspector or the Council had wanted to impose a cap in LPP1 they could have done so in the policy. Reading the policy objectively, it must be therefore assumed that there was a positive decision not to impose a cap. Indeed, it appears from the Sustainability Appraisal (SA)¹¹ undertaken for LPP1 that the 125 homes figure for Alford is not a product of the number of "suitable" sites for development but is instead a fairly arbitrary number to reflect the facilities and services in the village.¹² It was taken as a "given" and it is worrying that reasonable alternatives with a higher minimum figure attributed to Alford were therefore not assessed by the SA. It is noteworthy that the SA does recognise that the village "stands out somewhat from the other smaller villages in that there are relatively few environmental constraints."¹³
27. The LPP1 expects delivery to be achieved in accordance with Policy ALH1 through decisions on planning applications, the detailed application of the Local Plan (LPP1 and LPP2) and Neighbourhood Plans. There is currently no Neighbourhood Plan in place for the area and LPP2 is at an early stage. Neither document has progressed sufficiently to be attributed any more than limited weight. Therefore, as the Inspector found in the Land East of Loxwood Road decision,¹⁴ planning applications are currently the primary route for delivering housing in the area. The position on LPP2 and ANP has not changed significantly since that decision.
28. For all of these reasons, there is nothing in Policy SP2 or ALH1 to preclude this nature and scale of development. There is no actual text in either policy which would be breached by the development. Indeed, there is positive support for the principle of development on this site given the relatively unconstrained nature of Alford. The proposals would comply with Policy SP2 and ALH1 bearing in mind that the spatial strategy's key aim is to meet development needs whilst protecting areas of the highest importance (including Green Belt, AONB and AGLV, the Thames Basin Heaths SPA). This is precisely what this scheme does.

¹⁰ CD4.2

¹¹ APP12

¹² LPA2 SA Extract paragraph 6.3.17

¹³ Ibid

¹⁴ CD6.2 paragraph 12

29. The Council relies on the 2017 Springbok Radcliffe Estate decision,¹⁵ but this was a completely different scale of development in a different planning policy context. It comprised 455 homes, a care home and other facilities, on its own in a single scheme which could not be described as “limited” development “commensurate with” the spatial strategy and settlement hierarchy whereas the appeal scheme clearly can. They are clearly completely distinguishable.
30. The Council in RfR1 also contend that policies ALH1 and SP2 would be breached due to the future occupants of the development having limited access to local services and facilities and unduly relying on the private car. Policies ALH1 and SP2 are silent on these matters. However, I note that Policy ST1, requires development schemes (among other things) to be located where opportunities for sustainable transport modes can be maximised, reflecting the amount of movement generated and the nature and location of the site. Importantly, the policy expressly recognises that “solutions and measures will vary from urban to rural locations”.
31. The same pragmatic approach to what can realistically be provided in a rural location is found in the NPPF. Paragraph 105 expressly notes that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”. NPPF paragraph 110(a) requires “appropriate” opportunities to promote sustainable transport modes be taken up, “given the type of development and its location”.
32. I note the Council does not dispute that, given the location of the proposed development, opportunities for sustainable transport modes have been maximised. Instead, it is argued that the location itself is not “sustainable”, with the sustainable transport alternatives not being as attractive as the private car, with the result that the majority of residents would still use the car instead of such alternatives. However, neither Policy ST1 nor any other local or national policy requires a development to be in a “sustainable location”, albeit Policy SP2 does require development needs to be met in a “sustainable manner” which includes “limited” development in Alfold. There is no local or national policy requiring the sustainable transport modes available to future residents to be as attractive as the private car. Instead, what is required is a “genuine choice of transport modes.”¹⁶ There is no local or national policy which requires the majority of residents to use sustainable alternatives to the private car.
33. Instead, local and national policy assesses the sustainability of the transport offer *in the context of the location* and asks whether appropriate opportunities to promote sustainable transport have been taken up. If, given the location, they have been, then the proposal is policy compliant. There is no free-standing requirement (contrary to the Council’s approach) to consider the sustainability of the location in the first place. Instead, that location is taken into account in assessing compliance with sustainable transport policy.
34. Plainly Alfold cannot match the sustainability of locations such as Guildford or Cranleigh. Nevertheless, the existing conditions (in terms of local services and sustainable transport options) demonstrate that Alfold does have a reasonable range of services and facilities, namely a petrol station and associated M & S

¹⁵ CD6.1

¹⁶ NPPF paragraph 105

convenience store, a part-time Post Office, a business centre providing some employment uses, churches, public houses and a veterinary surgery.

35. I accept that the bus services are limited but Alfold has a better than average provision for a rural village. Although Bus 69 is limited, Bus 42, serving Cranleigh, Godalming and Guildford, runs eight times per weekday in both directions, with two buses leaving Alfold Crossways before 0800 hours and the last bus leaving Guildford at 1715 hours. This would enable someone to commute to work in Guildford for a standard 0900 -1700 hour job. The journey would take 50 minutes from Alfold to Guildford, which is a reasonable commuting time. The bus stops are right outside the appeal site, so future residents would be well placed to use this service. At the Inquiry the Appellants also referred to the community transport service known as The Hoppa Shopper, and a bus provided by SCC for secondary school pupils travelling from Alfold Crossways to Glebelands School in Cranleigh.
36. From the evidence submitted I note that there are five railway stations all around 15km from the site. Although the Council is critical of this provision equivalent distances have not stopped the Council from promoting the strategic allocation of Dunsfold Park Garden Village.
37. As for cycling, it is agreed with the Local Highway Authority (SCC), that cycling is a potential sustainable transport mode for some, e.g. with Cranleigh a 24 minute cycle ride away. The appeal site is only a few minutes bike-ride away from the Surrey Cycleway, which runs west to east through Alford Crossways on Dunsfold Road, A281 Alford Bypass and Wildwood Lane. Moreover, the topography of the area is relatively flat and therefore conducive to cycling.
38. Overall, the services and facilities available are commensurate with the scale of Alfold and the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In addition, the Appellants have proposed a range of measures to improve the current situation and promote the use of sustainable modes of travel. The package of proposed measures agreed with SCC would ensure that sustainable transport modes are maximised given the location and scale of development.
39. First, there would be a contribution of £400,000 towards a Demand Responsive Bus Service (DRBS) to serve the appeal scheme and the local area. This would secure five years of the service to add on to the five years already to be provided by the scheme approved on Land East of Loxwood Road, making 10 years of provision in total. The Inspector in that decision¹⁷ was satisfied that the five years of DRBS funding would enable provision to be made pending the sustainable transport package, including regular bus services, being provided by the Dunsfold Park development. From the evidence that is before me it is now clear that there will be significant delays to this scheme. However, a doubling of the DRBS period to 10 years would cater for the longer anticipated timescale. The DRBS would improve the frequency/availability of the services available and could be used to access larger settlements or the surrounding railway stations.
40. Although the Council described the DRBS as a “glorified taxi service” I note that DRBS has the strong support of SCC,¹⁸ who have received Central Government

¹⁷ CD6.2 paragraph 23

¹⁸ Stephanie Howard’s proof of evidence paragraph 5.8.7

funding to provide DRBS in Mole Valley and are currently preparing a funding bid for DRBS in Tandridge, Waverley and Guildford.

41. Moreover, the LPP1 states that “the Council will encourage travel choice in the rural areas through initiatives such as demand responsive bus services.”¹⁹ The key point is that the DRBS would encourage a departure from reliance on the private car, and so it is surprising for the Council to be so hostile to it.
42. In addition to the DRBS contribution, the appeal scheme would secure by s.278 Agreement 2 new bus shelters on Loxwood Road, together with footways and an informal pedestrian crossing. There would also be a new pedestrian route connecting the site to public footpath 415a, and commitment to the Residential Travel Plan,²⁰ which SCC agrees would reduce reliance on private vehicles.
43. The scheme would also benefit from improvements secured by the East of Loxwood Road scheme to the footway along Horsham Road (A281), to enhance the safety and attractiveness of the route to the M & S at the petrol station. SCC has committed to delivering a footpath between Dunsfold Aerodrome and Alfold (not conditional on the Dunsfold Park development) which would improve the attractiveness of this route for future residents of the appeal scheme.²¹
44. With the support of these measures, the Appellants put forward targets in Table 4-1 of the Residential Travel Plan,²² which would see a 6% modal shift from single occupancy car drivers over a five-year period. I consider these targets to be realistic in nature because they have been approved by SCC. The Council has not submitted any evidence in that regard, and I am aware that when it comes to agreeing modal shift targets in travel plans, it is the Local Highway Authority (SCC), not the Council, who have the relevant expertise.
45. Further, I note that the Appellants submitted evidence which demonstrates access to suitable services and facilities without undue reliance on the private car in relation to public transport, leisure and community facilities, retail, health, education and employment.²³
46. Finally, in terms of this issue, I appreciate that in relation to the Dunsfold Park development, the sustainability of Alfold as a location is not dependent on Dunsfold Park, albeit it would dramatically improve the level of services and facilities close-by for future residents.
47. Drawing all of these threads together, I consider that the development would maximise the sustainable transport options available in this rural area and that there is a realistic prospect that residents could utilise sustainable modes of travel if they wish to do so. The measures proposed would encourage and facilitate such use and there need not be reliance entirely on private vehicles for travel. Whilst I accept that the appeal site is not the most accessible compared with urban sites and that opportunities for sustainable travel patterns would remain limited after the development, they are nevertheless sufficient for the scale of development proposed in this case. Furthermore, it is clear to me that the increased population arising from the development would support the local services. There would be no conflict with Policies SP2, ALH1 and ST1 of LPP1.

¹⁹ CD4.1 paragraph 7.11

²⁰ CD2.6

²¹ Plan 7 in Plans and Appendices to Stephanie Howard’s proof of evidence

²² CD2.6 page 14

²³ Section 8 of Stephanie Howard’s proof of evidence

48. I conclude on the first main issue that the scale and location of the proposed development is acceptable in principle in the light of the Council's Spatial Strategy.

Second Issue - The effect of the proposed development on the character and appearance of the area

49. At my site visit I saw that the appeal site lies adjacent to the existing settlement edge of Alford Crossways and wholly within the parish of Alfold. It comprises an irregular shaped arable field and a single residential property with private garden (known as 'Hollyoak') which is accessed from Loxwood Road. The site has a close relationship to the existing settlement of Alfold due to its central position in the village, physical connection and adjacency with the existing village edge along Loxwood Road, similar topography and its visual association and connectivity with the village sports ground.
50. Within the Surrey Landscape Character Assessment, the appeal site forms part of the Dunsfold to Pollingfold Wooded Low Weald LCA which is a generally flat and rural landscape with a mix of arable and pastoral fields, woodland blocks and mature hedgerows and tree belts. It includes the villages of Alfold and Alfold Crossways but elsewhere, settlement is limited. The appeal site is broadly representative of the general character of the LCA. Human influences are present in the landscape surrounding the site including nearby roads, residential development within Alfold Crossways, the sports facilities including floodlighting at the Alfold Sports and Recreation Ground and further afield, Dunsfold Aerodrome.
51. There is no dispute between the parties that the appeal site forms part of an area of ordinary landscape value which also lies outside the Green Belt. Some 77% of Waverley Borough is designated as the Surrey Hills Area of Outstanding Natural Beauty (AONB) and/or Area of Great Landscape Value (AGLV) and 61% lies within the Green Belt. However, the appeal site lies outside the Green Belt and does not form part of either the AONB or AGLV nor does it contribute to their special qualities or scenic beauty. The appeal site is therefore of notably lower value and sensitivity than most other parts of Waverley Borough.²⁴ It is common ground that it is not a "valued landscape" in the context of the NPPF.²⁵ The parties agree that the landscape sensitivity of the site is medium whereas the majority of the Borough is of higher landscape sensitivity.
52. At my site visit I saw that the appeal site has a relatively strong sense of enclosure and low level of intervisibility with the wider area, due to the presence of surrounding mature woodland blocks and the existing development edge on the west side of Loxwood Road. The scenic quality of the site is

²⁴ Joanna Ede's proof of evidence paragraph 1.5

²⁵ Paragraph 174(a)

relatively low, given that it is simply a flat open arable field with no significant landscape features.

53. The principal publicly accessible viewpoints from which the appeal site is visible are public footpath 415a to the north of the site and from parts of the Alfold Sports and Recreation to the south. From the public footpath there are open views east and south east towards Alfold Crossways. The appeal site is visible in the middle distance of these views, seen as an open arable field, with the rear of properties on Loxwood Road and their garden boundary fences seen beyond. From parts of the Alfold Sports and Recreation Ground, particularly from the training pitch on the western side there are views towards the appeal site with woodland seen beyond. Pedestrians and road users on Loxwood Road next to the sports ground would have middle distance views through an existing and well vegetated northern boundary to the site.
54. The appeal proposal seeks full planning permission for a proposed residential development of 99 units with associated access and landscaping. I note that the development of the scheme proposals has been landscape-led; the layout and design of the development and the supporting landscape strategy incorporate a number of measures to reflect the character of the local area and mitigate potential landscape and visual effects of the proposals.²⁶ In my view the detailed landscape strategy (Dwg. No. 657/01A) is deliverable and would integrate with the landscape structure of the area.
55. With regard to landscape effects, the proposed development would allow the retention of the key landscape features within and adjoining the site which currently contribute to the local landscape character and visual amenity. These include: a line of mature oak trees along the northern boundary of the site; a ditch along the northern boundary of the site; a small woodland block adjoining the south-western boundary of the site; a tree belt adjacent to the southern site boundary; mature trees and garden boundary vegetation along the eastern boundary of the site. The retention and enhancement of these existing landscape features would be a beneficial effect. Furthermore, the introduction of new tree and shrub planting across the development area within proposed open spaces, along the internal roads and in private gardens would also be beneficial to the character of the site.
56. I accept that the proposed development would result in the loss of a section of open and undeveloped countryside. Plainly the introduction of new dwellings would reduce the sense of openness in the immediate locality. However, the intrinsic character and beauty of the wider countryside would not be unduly harmed by the scheme. There would be an adverse effect on the site itself of medium magnitude, reducing to medium-low over time as the proposed landscape framework matures. The introduction of the enhanced landscaping

²⁶ See CD2.2 Design and Access Statement

and ecological improvements would safeguard the rural character of the area for the long term. The site is of relatively low landscape and visual sensitivity and the proposed development would result in limited and localised harm to the intrinsic character and beauty of the countryside. Consequently, conflict with Policy RE1 carries little weight in the planning balance.

57. The Council argues that the proposal would comprise a major encroachment into the countryside. I disagree. The impact of the proposals on the character of the wider Dunsfold to Pollingfold Wooded Low Weald LCA would be of very low magnitude and the type of effect would be neutral, with no overall improvement or deterioration in the character of the surrounding landscape. The development would form an extension to the existing village of an appropriate scale and character and would integrate with the existing and emerging character of Alfold Crossways. The identified key characteristics of the local landscape character would also be preserved, and the proposed landscape framework would introduce some beneficial changes to landscape character.
58. Policy RE3 of LPP1 requires new development to respect and where appropriate enhance the distinctive character of the landscape in which it is located and has specific requirements for protection to the Surrey Hills AONB and the AGLV. In my view the appeal proposals have been carefully developed to respect and respond appropriately to the local landscape character surrounding the site and would not affect the landscape character of either the AONB or the AGLV. I note that the DAS²⁷ provides further details on how the scheme has responded to local context. The appeal proposals would comply with Policy RE3 of LPP1.
59. With regard to Policy TD1 of LPP1 this policy seeks to ensure that the character and amenity of the Borough are protected by five criteria set out in the policy. The Council does not object to the appeal proposals on design grounds and in my view the proposals promote good design which would lead to a high quality development. Policy D4 of the 2002LP relates to design and layout which are not disputed matters. The appeal proposals would comply with Policy TD1 of the LPP1 and with Policy D4 of the 2002LP.
60. In terms of visual effects, due to the existing enclosure of the site by vegetation and existing built development together with the additional enclosure which would be provided by proposed planting, few views or visual receptors would be significantly changed by the proposed development. Notably, there would be no significant changes to the views and general visual amenity experienced by people travelling through the village. The key views and visual receptors that would be significantly changed by the proposed development are those from: private residential properties on west side of Loxwood Road; PRow Alfold 415a; and Alfold Sports and Recreation Ground.

²⁷ CD2.2

61. I consider that overall the visual impact would be medium/low given that: (i) the site and the footpath are separated by two open fields which places users 400- 500 metres away, and so users of the footpath would still get the sensation of walking through open countryside even with the development in situ; (ii) the proposed boundary planting for the scheme, including hedgerow and large maturing trees, together with public open space, would mean that the dwellings are visible but filtered by the vegetation; (iii) the boundary planting is outside of individual gardens, and on public areas that would be maintained by a management company, so there would be no risk of it being subject to pressures by future residents; (iv) visibility of the settlement edge of Alfold is already a characteristic of the view as the properties on Loxwood Road and Dunsfold Road are already visible from the footpath; and (v) the proposed development would also be seen in conjunction with the recreation ground which includes floodlights and built form.
62. As to views from the Alfold Sports and Recreation Ground, I saw that the proposed development edge would be set well away from the edge of the ground, with an open arable field retained between them. The views would still have the outlook of open fields and woodland blocks to the north and north-west. Indeed, there would be large parts of the recreation ground where the appeal site would not be visible. I accept that the views from the neighbouring properties on Loxwood Road would inevitably change, but in my view the separation distances are very good, with 55-80m between properties, and vegetation in the intervening area.
63. With regard to Policy D1 of the 2002LP the appeal proposals would not result in loss or damage to an area of landscape value and therefore would comply with part (a). Similarly, with regard to part (b) which requires development proposals not to harm the visual character and distinctiveness of a locality, I consider the visibility of the proposals from the surrounding area would be very limited and, from the few areas where it would be visible, the proposals would not appear incongruent or out of scale with the existing edge of Alfold which is seen in these views. There would be no conflict with Policy D1 of the 2002LP.
64. With regard to the previous appeal decision for the Springbok Radcliffe Estate,²⁸ it is clear to me that the former refused scheme was a materially very different proposal to what is proposed under the current appeal scheme. Plainly the current appeal scheme has responded to and taken on board the Inspector's concerns. I note the following differences between the two schemes: (i) the footprint of development was 6 times bigger; (ii) the 2017 scheme was much closer to the nearby AGLV and some of it actually fell within the AGLV; and (iii) the scale and diversity of the proposed development was much greater.

²⁸ CD6.1

65. There were some relevant conclusions on landscape impact in the Springbok Radcliffe Estate decision: not a valued landscape;²⁹ containment by surrounding woodland would “lessen the impact of the new built form;”³⁰ Alfold Crossways is “not purely linear in form”, and the Inspector did “not consider that consistency with a linear form is an important parameter against which proposals should be assessed.”³¹ Although he concluded a major adverse change to views from footpath 415a,³² this was due to the residential development extending right up to the footpath itself, rather than being separated by two fields as here.
66. The Council contends that the loss of the protected oak tree, T93 in the Appellants’ Arboricultural Impact Assessment, would harm the amenity of the village. It is argued that the tree is a healthy specimen with potentially many decades of life left. When compared with other A-grade trees of a similar size and condition in the Appellants revised tree schedule (e.g.T5, T6, T85 and T87) it is claimed that its quality is not materially less, and it is right that it should be of the same grade.
67. In respect of trees, saved Policy D7 of the 2002LP³³ restricts development that would result in the loss of a protected tree. I accept there would be limited conflict with this policy. However, the more recent Policy NE2 of LPP1³⁴ provides that the Council will seek “where appropriate” to maintain and enhance existing trees. I note that the Inspector in the East of Loxwood Road decision³⁵ found no conflict with the latter policy in that case, noting that the limited harm arising from the loss of a single TPO tree would be “very limited and largely compensated by the replacement tree planting proposed”.
68. In the present case the appeal scheme requires the removal of three trees, one of which is the subject of a TPO made after the planning application was submitted. The tree removal is necessitated in order to create the access to the site for the development. I note that there is no alternative suitable access proposed which would avoid a need for tree loss. I note also from my site visit that there is quite limited visibility of T93 from public places given the various obstacles in the way. I saw that it is only visible above and between the roofs of houses on Loxwood Road. I accept that the tree could be depicted with difficulty as an individual tree from the road, particularly when in a car, that the views are fleeting, and that it has very limited amenity value. In my view the loss would not impact on the reasonable enjoyment of the public.
69. From the evidence that is before me and from my site visit, I consider that T93 should be categorised B. Its downgrading from category A must reflect the

²⁹ CD6.1 paragraph 39

³⁰ CD6.1 paragraph 45

³¹ CD6.1 paragraph 48

³² CD6.1 paragraph 54

³³ CD4.4 page 20

³⁴ CD4.1 page 146

³⁵ CD6.2 paragraph 32

unsympathetic past management³⁶ by the utility company who need to carry out pruning to protect the electricity cables running next to the tree canopy every 5-7 years. The Council focuses on the life expectancy of the tree and ignores this significant constraint on the tree.

70. Importantly, the appeal scheme would retain 75 of the 78 trees currently on the site, which equates to 96.4% of the existing trees.³⁷ The scheme would also plant an additional 198 trees.³⁸ These include 13 large canopy native species, including one being planted very close to where T93 would be lost. The Council confirmed that it had no objection in principle to the revised landscape strategy. In my view what is proposed in the revised landscape strategy would go well beyond what would normally be expected by way of mitigation. I agree that the proposed commitment to replace any failed trees within the first five years would be reasonable and standard.
71. Plainly the appeal scheme would comply with Policy NE2. It would not be appropriate for T93 to be retained given the necessity of removal to make way for the access, the considerable retention of trees, and the proposed planting. Policy NE2 is directed at looking at the appropriateness of retaining a tree overall, bearing in mind the whole tree retention and planting proposal and the need for removal by a proposal. Clearly mitigation is a relevant factor in the consideration of whether it is appropriate to remove a tree under Policy NE2.
72. Policies NE1 and NE2 of LPP1 relate to biodiversity and green infrastructure. The landscape proposals for the development would clearly comply with both of these policies. They deliver a strong landscape framework which would make a positive contribution to the local green infrastructure by improving the watercourse along the northern boundary with the introduction of new planting and creating new habitats and increasing the tree cover within the site. A separate report has been provided by Ecology Solutions³⁹ which demonstrates that the proposals would deliver a significant biodiversity net gain (19.5%).
73. On the second issue I consider that the proposed development would have some localised and limited landscape and visual effects. It would result in limited harm to the intrinsic character and beauty of the countryside and there would be a limited degree of conflict with Policy RE1 of the LPP1 and Policy D7 of the 2002LP. However, the proposal would be in compliance with Policies RE3, TD1, NE1 and NE2 of the LPP1 and Policies D1 and D4 of the 2002LP. The adverse effects would be localised and limited and due to the ordinary nature of the landscape and the strong visual containment of the site. I conclude on the second issue that the proposed development would not cause unacceptable harm to the character and appearance of the area.

³⁶ See the Cascade Chart at Appendix 3 to the AIA at Appendix 1 to Peter Wharton's proof of evidence

³⁷ Peter Wharton's proof of evidence paragraph 5.4.3 and 5.51

³⁸ Peter Wharton's proof of evidence paragraph 5.7.2 and Joanna Ede's Appendix 2

³⁹ Appendix 3 to Joanna Ede's proof of evidence

Third Issue - Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 d) of the NPPF is engaged

74. Paragraph 74 of the NPPF sets the requirement for Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
75. The parties are agreed that the LPP1 was adopted in February 2018. Policy ALH1 of the LPP1 confirms a housing requirement equivalent to 590 dwellings per annum. This results in a base requirement of 2,950 homes. It is also agreed that the correct base for the calculation of five year housing land supply, for the purposes of this appeal is 1 April 2021. The five year period is, therefore, 1 April 2021 to 31 March 2026. The appropriate buffer in the calculation of the five year supply is agreed to be 5%.⁴⁰
76. The most up-to-date position on five year housing land supply records agreement that the plan period completions for the purposes of calculating housing land supply are 3,422 homes, against a requirement of 4,720. That results in a shortfall in delivery to April 2021 of 1,298 homes. I accept that the contribution from Use Class C2 completions during the plan period can be included in the five year supply calculation in accordance with PPG advice.⁴¹ The contribution from communal accommodation development is calculated by dividing the additional bedspaces by 1.8. The parties are agreed that the five year requirement is 4,248 homes, including the steps taken in the SoCG-Housing Land Supply.⁴²
77. The parties disagree about the supply of deliverable sites. The final respective position of the Appellants and the Council on disputed sites is set out in a Final 5YHLS Position Statement⁴³ and the revised HLS Scott Schedule.⁴⁴ I have also taken into account the Supplemental 5YHLS Position Statement⁴⁵ prepared by the Appellants and the Update Note⁴⁶ prepared by the Council.
78. The definition of 'deliverable' is set out within Annexe 2 of the NPPF, which states:

"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

(a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

⁴⁰ CD9.11 Statement of Common Ground Housing Land Supply

⁴¹ See Paragraph: 035 Reference ID: 68-035-20190722 & Paragraph: 016a Reference ID: 63-016a-20190626

⁴² APP9 paragraph 2

⁴³ APP9

⁴⁴ APP10

⁴⁵ APP11

⁴⁶ LPA5

(b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years*".

79. PPG advice was published on 22 July 2019 on 'Housing supply and delivery' and this includes a section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:

*"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."*⁴⁷

80. I do not consider that the above categories (a) and (b) are a 'closed list' i.e. only sites that fall within the two categories could be considered to be deliverable. I have therefore considered the Council's supply in light of whether the sites are available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within five years. It is relevant that for category (b) a site can only be considered deliverable where it is clear that it *will* deliver. Consideration of what constitutes 'clear evidence' is set out in further detail in the PPG.⁴⁸
81. Paragraph 3 of the Final 5YHLS Position Statement helpfully sets out the main sites where the parties differ. With regard to Land at Dunsfold Park the Council confirms that the Dunsfold SPD is due to be adopted in February 2022 and that initial phases could come forward alongside the temporary uses on the site. I accept that the new landowner could implement the existing consent, but I consider it is more likely that an amended outline application would be required. Moreover, there is no evidence of housebuilder involvement, submission of reserved matters or any evidence of progress in this direction. The Council has not provided a realistic assessment of the factors involved in delivery of this site, such as the timetable and likely progress towards completions. Dunsfold Park should not be considered deliverable due to the lack of clear evidence.
82. With regard to Land at Centrum Business Park, Farnham I note from the Council's additional information that the Council Estates Team is not involved in the redevelopment of the site, so there is no clear information as to: (i) whether there are multiple landowners; (ii) whether the landowners are coordinated; and (iii) what the lease/ownership arrangements are for the current occupiers. In my view, the site is not currently available for development given the existing active occupiers. There is no planning application on the site. There is no clear evidence to suggest that there is a realistic prospect that homes would be delivered on this site within five years.
83. With regard to Land at Ockford Water, it is clear from the Council's additional information that the site does not currently benefit from planning permission and there is uncertainty as to the acceptability of the current application on the site. There are fundamental development management issues to be resolved. On this basis there is no clear evidence that housing completions would be achieved on this site within the five year period.

⁴⁷ PPG Paragraph: 007 Reference ID: 68-007-20190722

⁴⁸ Ibid

84. With regard to Land at Barons of Hindhead I note that the site is a draft allocation in the draft LPP2 and is subject to a full application for 38 dwellings. However, the site directly adjoins the Devils Punch Bowl which is a National Trust run site in the AONB. There are concerns about overdevelopment of the site, including the proposed design, layout and massing. There are also questions about viability and affordable housing provision. There is no clear evidence to suggest that this site would deliver homes in the next five years.
85. With regard to Land to the rear of 101 High Street, Cranleigh I accept from the Council's additional information that there is some progress on this site. However, the Council has not undertaken an assessment of this site against the factors set out in the NPPG/NPPF guidance to demonstrate there is a realistic prospect of delivery in the five year period. There is no clear evidence as to its deliverability, which is still subject to the submission and positive determination of a planning application.
86. With regard to Land at Wey Hill, Haslemere I note from the Council's additional information that some of the former uses on the site (the Guides and the St John's Ambulance) have already been relocated to new premises within Haslemere. I accept that the site is allocated in the draft LPP2 for residential development. However, the Council's additional information provides no reassurance that the other existing uses on the site can be moved stating only that: "Negotiations with the other existing uses on the site will be taking place to facilitate the redevelopment of the site." The Council has not undertaken an assessment of this site against the factors set out in the NPPG/NPPF guidance. There is no clear evidence to suggest the site is available, offers a suitable location for development, or is achievable. The site should not be considered deliverable due to lack of clear evidence.
87. It is not necessary for me to go through all of the disputed sites in paragraph 3 of the Final 5YHLS Position Statement (APP9) and the revised HLS Scott Schedule (APP10). I am satisfied that all of the disputed sites set out at paragraph 3 of APP9 should not be considered deliverable in the next five years for the reasons given in the Appellants' analysis and commentary in APP10 which is preferred. There is no clear evidence before me that would suggest that any of the disputed sites would deliver the completions suggested by the Council in the next five years.
88. With regard to the dispute between the Appellants and the Council on small sites provision, I consider the key question is whether, as at the base date of 1 April 2021, the small sites were properly included in the Council's list of sites. If the up to date evidence shows that they were, the fact that at a later date a small site permission expired is no reason not to count it as part of the supply (just as one ignores the appearance of new sites that were not part of the supply at the base date). Given the need to choose a base date at some point in the past to make the exercise workable some anomalies are bound to arise but provided there was an extant permission at the base date I consider that a small site is properly included in the supply unless there is clear evidence that as at the base date the site would not be developed. Accordingly, I accept the Council's estimate on small sites provision.
89. It follows that Table 3 of the Final 5YHLS Position Statement is the most realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. The supply position

identified in Table 3 is consistent with national policy, case law, appeal decisions and informed by assessment of the technical complexities of delivering development sites including lead-in times. The sites that the Council includes within the supply cannot be justified applying the current definition of deliverable. The Council's supply figure of 4,660 dwellings in Table 3 should be reduced to give a more robust total supply figure of 3,575 dwellings for the five year period. Although the Council maintains there is a 5.22 year supply, in my view, there is a housing land supply equivalent to **4.01** years.

90. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall of some 885 dwellings, but it also means the policies which are the most important for determining the application are automatically out-of-date and the tilted balance applies. I conclude on the third issue that the Council cannot demonstrate a five year housing land supply and that paragraph 11 d) of the NPPF is engaged.

Planning Obligations

91. The NPPF indicates that planning obligations must only be sought where they meet all of the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.⁴⁹
92. The s106 Agreement secures provision for 30 affordable housing units on site which is necessary to secure compliance with Policy AHN1 of the LPP1. It also secures the maintenance of play space, SuDS and open space which are necessary in order to make the development acceptable in planning terms and which are directly related to the development. In addition, the s106 Agreement secures financial contributions to fund the DRBS; traffic calming measures and travel plan monitoring which are necessary to address the impacts of the development, to secure compliance with Policy ST1 of LPP1 and the NPPF.
93. In my view, all of the obligations in the s106 Agreement are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the CIL Regulations. As such I have taken them into account in the decision.

Other Matters

94. I have taken into account all other matters raised including the concerns raised on behalf of Alford Parish Council and the representations made by interested persons including those who gave evidence at the Inquiry and those who provided written submissions. Many of the matters raised such as the scale of the proposed development, the loss of rural character and open countryside, over reliance on the private car and loss of trees are points which I have already dealt with under the main issues.
95. Concerns were raised that the development would present a flood risk. However, the proposal was accompanied by a Flood Risk Assessment (FRA)⁵⁰ and details of SuDS which include an attenuation basin in the north western part of the site. The site falls within flood zone 1 and thus has the lowest probability of flooding and accords with the sequential approach to new

⁴⁹ NPPF paragraph 57 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁵⁰ CD1.5

development sought by the NPPF. The Local Lead Flood Authority has assessed the proposal and found it to be acceptable subject to planning conditions. Given their assessment and the conclusions of the FRA, I consider that the development is unlikely to result in additional flood risk for adjacent land or unsafe conditions for future occupiers.

96. Concerns were also raised about foul drainage in Alfold. Thames Water has recommended suitably worded conditions to secure the provision of pre-commencement details of additional water supply and foul water infrastructure or an infrastructure delivery plan. In my view these planning conditions address these concerns in a satisfactory manner.
97. A number of objectors raised concerns about highway safety and traffic. However, I note that a package of mitigation to ensure that the appeal scheme is acceptable in relation to highway and transport matters has been agreed between the Appellants and the Highway Authority (SCC). This is set out in the Transport Assessment⁵¹ and in the Transport and Highways Matters SoCG.⁵² Following the implementation of the mitigation measures to improve access to sustainable transport and to local services and facilities, and the payment of the financial contributions agreed with SCC and set out in the SoCG,⁵³ the residual cumulative impacts of the appeal scheme on the local road network would be negligible and could not be considered to be severe in the context of paragraph 111 of the NPPF.
98. Some of the objections relate to the impact on local ecology. It is agreed in the General SoCG⁵⁴ that the appeal proposals would deliver a biodiversity net gain. A biodiversity net gain assessment was previously carried out by EAD Ecology and is detailed within the Ecological Impact Assessment for the site.⁵⁵ Following the revised landscape strategy a revised calculation was undertaken which shows the proposals would deliver a significant biodiversity net gain of 19.5%. It was also agreed that, based on the submitted ecological report, were planning permission to be granted, suitably worded planning conditions could mitigate and compensate for any harm upon protected species and that the proposal is acceptable in this regard.⁵⁶
99. At the Inquiry reference was made to numerous appeal decisions. I have taken these into account as appropriate in coming to my decision in this case.

Planning Balance

100. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have identified the most important policies for determining this application. Of these I found that the proposed development would give rise to a limited degree of conflict with Policy RE1 of the LPP1 and Policy D7 of the 2002LP. However, I conclude that the proposed development would be in accordance with the development plan when taken as a whole, in particular Policies SP2, ALH1, ST1, RE3, TD1, NE1 and NE2 of the LPP1 and policies D1 and D4 of the 2002LP. There are no material considerations which, applying

⁵¹ CD1.11 Section 7

⁵² CD9.5 Section 8.1

⁵³ Ibid

⁵⁴ CD9.4 paragraph 7.9

⁵⁵ CD1.3 October 2020

⁵⁶ CD9.4 paragraph 7.9

section 38(6) of the 2004 Act, would justify a departure from granting planning permission in accordance with the development plan.

101. In any event I have found that the Council cannot demonstrate a five year housing land supply and that paragraph 11 d) of the NPPF is engaged. In my view there is a housing land supply equivalent to **4.01** years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall of some 885 dwellings, but it also means the policies which are the most important for determining the application are automatically out-of-date and the tilted balance applies. Given that there are no policies in the NPPF which, if applied, would provide a “clear reason for refusing the development” under paragraph 11 d), it follows from the “out-of-date” nature of the most important policies that the tilted balance applies.⁵⁷
102. I consider that the basket of the most important policies are also “out-of- date” because the development plan is incomplete with the absence of the LPP2 and the ANP, which were clearly required by the LPP1 Inspector to be progressed quickly following adoption of the LPP1. The development plan is consequently silent on non-strategic allocations⁵⁸ that are required to meet the full housing requirement, and a complete delivery strategy for the Borough is absent.
103. I have concluded that the most important policies are consistent with the NPPF and that due weight should be given to them in accordance with the advice in paragraph 219 of the NPPF. However, the weight attributed to these policies must be reduced (limited weight in my view) given the failure to bring forward the delivery of sufficient homes within the Borough in order to meet the total requirement of at least 590 dwellings per year, or to meet the needs of their residents for both market and affordable housing. Since the adoption of the LPP1 in February 2018 the lack of progress in bringing forward the LPP2 and/or the ANP has been disappointing and has only served to compound this failure.
104. The harms do not come close to “significantly and demonstrably” outweighing the benefits in this case. The alleged harms in this case are very limited. It is common ground that there would be: no harm to residential amenity as previously alleged in RfR4;⁵⁹ no heritage impacts;⁶⁰ no ecological impacts;⁶¹ no drainage issues or flood risk;⁶² no air quality impacts which would warrant refusal of planning permission;⁶³ no severe impact on highways in terms of capacity/congestion, and no unacceptable impact on highway safety;⁶⁴ there would be no Green Belt harm, and there would be no harm to the Surrey Hills AONB, or to an AGLV.
105. As to the harms alleged by the Council, I consider that the landscape and visual impacts are significantly overstated and limited to localised harm typical of any development of greenfield land on the edge of a settlement. I attach limited weight to this localised harm. There would be limited conflict with Policy RE1 which must be considered in the context of the very rare absence of significant landscape constraints on this site, in comparison with most of the rest of the Borough. The Council also accepted that the impacts have reduced as a result

⁵⁷ CD9.4 paragraph 7.22

⁵⁸ Sites of less than 100 dwellings in size

⁵⁹ CD9.4 paragraph 7.4

⁶⁰ CD9.4 paragraph 7.6

⁶¹ CD9.4 paragraph 7.9

⁶² CD9.4 paragraph 7.10

⁶³ CD9.4 paragraph 7.12

⁶⁴ CD9.4 paragraph 7.18 and CD9.5 paragraphs 4.1.3 and 8.2.1

of the revised landscape strategy. There would be limited conflict with Policy D7 as the tree impacts are limited and outweighed by the benefits in terms of tree planting by the scheme overall.

106. There would be no harm arising from any conflict with the spatial strategy because there is no such conflict. Indeed, the spatial strategy policies (SP2, ALH1 and RE1) can only be given limited weight as they are "out-of-date," such that they no longer reflect and adequately cater for the development needs of the Borough. The restriction on development in the countryside in Policy RE1 needs to be read in conjunction with the facts that (a) policies SP2 and ALH1 expressly recognise the need for development in "and around" settlements, and (b) the settlement boundaries are based on the 1994 Surrey Structure Plan.
107. The extent of the shortfall in 5 YHLS does not affect the operation of footnote 8 and its triggering of paragraph 11 d). However, the degree of shortfall will inform the weight to be given to the delivery of new housing in general alongside other factors such as how long the shortfall is likely to persist, the steps being taken to address it and the contribution that would be made by the development in question. The larger the shortfall is, then logically the less weight should be given to any conflict with the spatial strategy policies (SP2, ALH1 and RE1).⁶⁵ The shortfall of 885 dwellings which I have identified is significant and substantial.
108. From the evidence that is before me, not enough is being done by the Council to address the shortfall, given the over-reliance on the ANP, the considerable delays in LPP2, the inadequacies in the draft LPP2 as only providing an (inaccurate) "factual update" in Alfold rather than positively assessing the suitability of Alfold as a location for growth, and the lack of a 5YHLS.
109. There would be no harm arising from undue reliance on the private car because opportunities for sustainable transport modes have been maximised by the appeal scheme, given the rural location. There are adequate services and facilities which can be accessed without needing a car.
110. There would be a number of benefits of the appeal scheme which were put forward by the Appellants. These benefits were not undermined to any degree during the Inquiry. I deal with each of these below explaining the weight that I attribute to each shown in the brackets.
111. The following benefits would arise: (i) the provision of 69 market homes, in the context of the significant 5YHLS shortfall, should be given substantial weight. This is a significant benefit of the scheme; (ii) the policy-compliant provision of 30 affordable homes, given the Council's acknowledgment of the "pressing need" ⁶⁶ (substantial weight); (iii) the proposed development would support the local services through increased custom at local shops and pubs (moderate weight); (iv) the scheme would also provide relocated and enhanced bus stop infrastructure, and a financial contribution to enable SCC to provide a DRBS to Alfold and the surrounding area (substantial weight); (v) a new permissive footpath connecting the site to footpath 415a would be secured by condition (moderate weight); (vi) improved tree cover from the planting of 198 new trees would be a significant benefit of the scheme, as is the introduction of planting and species rich meadows and grassland to result in a significant 19.5%

⁶⁵ CD7.2 paragraph 47 Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808

⁶⁶ LPP1 paragraph 2.42

biodiversity net gain from the development (substantial weight);⁶⁷ (vii) although no enabling case is made, the Appellants contend that a relevant additional benefit of the scheme is that allowing the appeal would provide the Care Ashore charity, who own the land, with funds to secure improvements to the vital support they provide to former navy servicemen (moderate weight) which reflects the weighting given to this by the Inspector in the Springbok Radcliffe Estate appeal decision; and (viii) there would be economic benefits arising from the construction of 99 new homes (moderate weight).

112. Overall, I consider that the weight to be attached to the benefits should be substantial. The Council accepted that significant weight should be given to the benefits overall, cumulatively. The Appellants also indicated that they would “get on the site as soon as possible and contribute to addressing the shortfall”. Importantly, I note that Thakeham Homes are a local developer, with a proven track record, who would actually deliver the site. Given the comparison against the uncertainties over ownership and development of Dunsfold Park, this is a further substantial benefit for this appeal scheme.
113. There is an acute and unmet need for market and affordable housing in this Borough and that need must be met now. Much of the land is constrained by AONB, AGLV or Green Belt designation. The appeal site is a rare resource in Waverley BC area: a non-designated piece of land adjacent to a sustainable settlement which can be developed for housing. In summary, whether on the basis of compliance with the development plan or applying the tilted balance or indeed on a straight balance, the case for the appeal scheme is compelling. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed.

Planning Conditions

114. The Council submitted a list of conditions which I have considered in the light of the advice in paragraphs 55 and 56 of the NPPF and the Government’s PPG on the Use of Planning Conditions. The Appellants have agreed to all of the suggested conditions except for a condition which seeks to restrict national permitted development rights. The Appellants have also given consent in writing to all of the suggested pre-commencement conditions as required by Section 100ZA(5) of the Town and Country Planning Act 1990.
115. Condition 1 relates to required time limits and Conditions 2 and 23 are necessary to protect retained trees. Condition 3 is necessary to ensure that the final drainage design does not increase flood risk. Condition 4 is necessary to prevent harm to protected species and to make sure that there is suitable provision for biodiversity. Condition 5 is necessary to ensure safe access is provided and maintained for pedestrians. Condition 6 is necessary in the interests of highway safety, to ensure that the development is not unneighbourly and is not harmful to biodiversity. Condition 7 is required to ensure that the development does not cause harm to badgers which may be present on the site.
116. Condition 8 is required to safeguard heritage assets of archaeological interest. Condition 9 on sample materials and Condition 10 on landscaping are required in the interests of visual amenity. Conditions 11, 12 ,13 and 14 are required in

⁶⁷ This is nearly double the new legal requirement in Schedule 7A to the Town and Country Planning Act 1990 for a 10% gain (inserted by Schedule 14 to the Environment Act 2021).

the interests of highway safety, to ensure that electric vehicle charging is provided and to ensure that the development facilitates access to sustainable transport modes. Condition 15 is necessary to ensure appropriate provision is made for waste and recycling. Condition 16 is necessary having regard to local water pressure concerns to ensure that appropriate infrastructure is provided for the development.

117. Condition 17 is necessary to ensure adequate access to play opportunities. Condition 18 is necessary to ensure high standards of sustainable design and construction. Condition 19 is required to ensure the proper provision of the drainage system. Condition 20 is required to ensure that the development encourages the use of sustainable transport modes. Condition 21 is required to ensure sustainable construction and design. Condition 22 is required to protect the occupants of nearby residential properties from noise disturbance. Condition 24 is required to ensure that there is no harm to protected species. Condition 25 is necessary for the avoidance of doubt.
118. The Council suggests an additional condition should be imposed which would remove permitted development rights from the dwellings subject to the appeal. However, the NPPF and the PPG are both clear that such conditions should only be imposed in exceptional circumstances.⁶⁸ No detailed justification has been provided in this case and I can see no reason why such a condition should be necessary in this instance.

Overall conclusion

119. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

⁶⁸ NPPF paragraph 54 and PPG Use of Planning Conditions Paragraph: 017 Reference ID: 21a-017-20190723

SCHEDULE OF PLANNING CONDITIONS (1-25)

Time limit condition

- 1) The development hereby permitted shall be begun within three years of the date of this permission.

Pre-commencement conditions requiring details to be submitted

- 2) Prior to the commencement of the development (including the movement of plant, machinery and bring materials on to site), an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details which shall include in full compliance with the recommendation in BS5837:2012 for the protection of all retained trees (above and below ground):
 - A schedule of site supervision for safe retention of all retained trees and any associated works,
 - Tree protective fencing measures and protection plan
 - Details of all work within the RPAs of retained on-site trees, particularly in relation to hard surfacing and below ground services/utilities.
- 3) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - (a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates shall comply with the approved FRA and storage volumes shall be provided using a maximum discharge rate of 6.1 l/s/ha applied to the positively drained areas of the site only.
 - (b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers). Details should be provided for the proposed swales/SuDS planters, permeable paving and attenuation basin.

- (c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected. The plan should include how exceedance flows from the adjacent ordinary watercourse will be managed.
 - (d) Details of drainage management responsibilities and maintenance regimes for the drainage system. This should include riparian responsibilities for the adjacent ordinary watercourse.
 - (e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- 4) Prior to the commencement of the development a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP should be based on the proposed impact avoidance, mitigation and enhancement measures specified in Section 4 Avoidance, mitigation, compensation and enhancement of the Ecology Report and should include adequate details of the following:

- Mitigation measures for the loss of Lapwing breeding habitat
- Habitat management and enhancement for Reptiles (as set out in the Reptiles section above) - Aims and objectives of management
- Appropriate management options to achieve aims and objectives
- Prescriptions for management actions
- Preparation of a work schedule for securing biodiversity enhancements in perpetuity
- Details of the body or organisation responsible for implementation of the LEMP
- Ongoing monitoring and remedial measures
- Details of legal/funding mechanisms.
- A Sensitive Lighting Management Plan, covering both the construction and operational phases. The Plan shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series"

The development shall be implemented wholly in accordance with the approved document.

- 5) No vehicle shall access the site (except vehicles required for clearance and preparatory works) unless and until the proposed vehicular, pedestrian and cycle access to Loxwood Road hereby approved has been implemented in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.

- 6) No development shall commence until a Construction Transport and Environmental Management Plan, to include details of:
- (a) the parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) measures to prevent the deposit of materials on the highway
 - (h) on-site turning for construction vehicles
 - (i) an indicative programme for carrying out of the works
 - (j) measures to minimise and control noise (including vibration) and dust during the demolition and construction phases
 - (k) details of any floodlighting
 - (l) details of measures to prevent harm to protected habitats and species, including retained woodland and grassland habitat and ditches.

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be implemented fully in accordance with the approved details.

- 7) Within one month prior to the commencement of the development, a site walkover by a qualified ecologist shall be undertaken to confirm the absence of badger presence on site. Should a new presence be identified, no works which may disturb the badgers shall take place unless and until a badger impact mitigation strategy has been submitted to and approved in writing by the Local Planning Authority.
- 8) No development shall take place until the Applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been previously submitted to and approved in writing by the Local Planning Authority.

Conditions requiring details to be submitted and approved during the construction phase of the development

- 9) Prior to the construction of the external surfaces of the buildings, samples of the materials (including windows and roof tiles) to be used within the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 10) No development shall commence above damp proof course level until a detailed landscaping scheme, including the retention of existing landscape features, has been submitted to and approved in writing by the Local Planning Authority in

accordance with the Revised Landscape Strategy (Plan 657 01 A; Outline specification; and Typical planting schedule). The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. Prior to the first occupation of the development, a tree planting strategy and methodology must be submitted and approved in writing following the guidance of British Standard 8545:2014 Trees: from nursery to independence in the landscape: Recommendations and Tree Species Selection for Green Infrastructure to ensure successful planting and establishment of all newly planted trees across the site. All hard and soft landscaping work shall be completed in full accordance with the approved scheme and implementation programme. Thereafter all trees and shrubs shall be retained and any planting which is damaged, becomes seriously diseased or dies within a 5 year period shall be replaced with planting in accordance with the approved details.

Conditions requiring details to be submitted and approved prior to occupation of the development

11) Each dwelling hereby approved shall not be first occupied unless and until that dwelling has been provided with:

- space which has been laid out within the site for that dwelling for vehicles to be parked and to turn so that they may enter and leave the site in forward gear, in accordance with the approved plans.
- covered secure cycle parking in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority.

Thereafter the car and cycle parking and turning areas shall be retained and maintained for their designated purpose for the lifetime of the development.

12) The development hereby approved shall not be occupied unless and until each of the proposed dwellings and 20% of available visitor bays are provided with a fast charge electric vehicle socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the electric vehicle charging points shall be retained and maintained for the lifetime of the development.

13) The following package of measures shall be implemented, at the Applicant's expense, through a S278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development:-

- Implementation of two new bus shelters on Loxwood Road, including real time passenger information (RTPI) displays, bus cages, bus stop flags, poles, timetable cases, a footway connecting the site to the northern bus shelter, and the provision of an informal pedestrian crossing with tactile paving.
- 14) Prior to the first occupation of any dwelling hereby consented, details of a permissive footpath connecting the west of the site to Public Footpath 415a shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the timescale for provision. The route shall then be provided in accordance with the approved details within such timescales as approved and maintained thereafter for the lifetime of the development. The route shall remain fully publicly accessible at all times other than when routine maintenance is being carried out.
- 15) Prior to the first occupation of the development, a detailed scheme for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the siting and appearance of refuse and recycling storage for each dwelling, alongside details of the size and number of bins to be provided. The refuse and recycling provisions, including the provision of bins as specified, shall be made in accordance with the agreed scheme prior to the first occupation of the dwellings. Thereafter, they shall be retained in accordance with the approved details for the lifetime of the development.
- 16) The development shall not be occupied until written confirmation to the Local Planning Authority has been provided and approved to demonstrate that either:-
- (i) All upgrades required to accommodate the additional flows in to (freshwater) and out of (wastewater) the development have been completed; or-
 - (ii) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 17) Prior to the first occupation of any dwelling hereby consented, full details of the proposed Local Equipped Area of Play and Local Area of Play shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the timescale for provision. The areas, including all identified play equipment, shall then be provided in accordance with the approved details within such timescales as approved. Thereafter, the equipment provided shall be retained and maintained in working order for the lifetime of the

development, accessible at all times other than when routine maintenance is taking place.

- 18) Prior to the first occupation of the development, details of a Water Use Strategy shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that water use would not exceed 110l per person per day. The development shall be completed fully in accordance with the approved details.
- 19) Prior to the first occupation of each phase of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority in relation to that phase. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
- 20) Within three months of occupation of the 50th dwelling, a Travel Plan shall be submitted for the written approval of the Local Planning Authority, in consultation with the County Highway Authority, in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the Framework Travel Plan, dated January 2021. The baseline shall be undertaken at 50% occupation. Upon approval the Travel Plan shall be shared with all first occupiers of the development and measures taken to promote the Travel Plan in accordance with specifications contained within it.

Condition requiring provisions to be made prior to occupation

- 21) Prior to the first occupation of the dwellings hereby permitted the highest available speed broadband infrastructure shall be installed and made available for use.

Compliance conditions

- 22) No machinery or plant shall be operated, no demolition or construction processes carried out and no deliveries taken at or dispatched from the site except between the hours 08:00–18:00 Monday to Friday, 08:00 – 13:00 on a Saturday and not at any time on Sundays, Bank or Public Holidays.
- 23) The approved development will be undertaken in accordance with the advice, conclusions and recommendations as set out within the submitted Arboricultural Impact Assessment, dated January 2021 (ref 201014 1068 AIA V1d - Part 1-5).
- 24) The development shall be implemented fully in accordance with all identified mitigation, compensation and precautionary working methodologies identified

within the accompanying Ecological Impact Assessment by EAD Ecology dated October 2020.

- 25) The plan numbers to which this permission relates are SK_001; T034_P1001; 1002; 1003; 1010; 1011; 1050; 1051; 1100; 1101; 1102; 1103; 1104; 1105; 1106; 1107; 1108; 1109; 1110; 1111; 1112; 1113; 1114; 1115; 1116; 1117; 1118; 1119; 1120; 1121; 1122; 1123; 1124; 1125; 1126; 1127; 1128; 1129; 1130; 1131; 1132; 1133; 1134; 1135; 1136; 1137; 1138.

The development shall be carried out in accordance with the approved plans.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robin Green of Counsel	Instructed by the Solicitor to the Council
<i>He called:</i>	
Katherine Dove MPlan MRTPI	Principal Planning Officer
Ian Brewster Fd Arboriculture	Tree and Landscape Officer
John-Paul Friend BA (Hons) Dip LA CMLI	Director of LVIA Ltd
Kate Edwards MA MRTPI	Principal Planning Officer
Barry Devlin (S106 only)	Planning Solicitor

FOR THE APPELLANT:

Sasha White QC Mathew Fraser of Counsel	Both instructed by Thakeham Homes Ltd
<i>They called</i>	
Jonathan Dodd BA (Hons) MPlan MRTPI	Associate Director, Turleys
Peter Wharton BSc (Hons) FArborA MICFor	Director, Wharton Natural Infrastructure
Joanna Ede BA (Hons) MA DipLD CMLI	Director, Turleys
Stephanie Howard BSc (Hons) MSc CTPP MCIHT CMILT	Technical Director, WSP
Tim Burden BSc (Hons) MSc MRTPI	Director, Turleys

Interested Person

Mary Brown MBA MSc	Local Resident
--------------------	----------------

DOCUMENTS SUBMITTED AT THE INQUIRY:

Local Planning Authority Documents

LPA1	Opening Statement
LPA2	Sustainability Appraisal (SA) of the Waverley Local Plan: Part 1 Page 24
LPA3	Table showing locations within Alford Parish of completed and consented schemes 2013 to April 2021
LPA4	Email and plan from Ian Brewster dated 10 December 2021
LPA5	Five-Year Housing Land Supply Update Note December 2021 including plans of

- LPA6 Dunsfold Aerodrome and Officer report for planning application WA/2021/01450 Document regarding outstanding planning permissions on small sites comparing aerial photography with site plans
- LPA7 CIL Compliance Statement
- LPA8 Conditions
- LPA9 Pre-Submission Waverley BLP Part 1: Strategic Policies and Sites. Schedule of Main Modifications
- LPA10 Closing Submissions

Appellants' Documents

- APP1 Waverley Borough Council February 2018 Adopted Policies Maps West and East
- APP2 Extracts from West Surrey SHMA Report September 2018 G L Hearn Limited
- APP3 Waverley Borough Council 5YHLS Scott Schedule - Appellant & Council 3.12.21
- APP4 Email from Katherine Dove to Jonathan Dodd dated 3.12.21 re completions
- APP5 Opening Statement
- APP6 Extracts from GLVIA Third Edition
- APP7 Waverley BC Committee Report re WA/2015/2261
- APP8 Waverley BC Committee Report re WA/2019/0745
- APP9 Final 5YHLS Position Statement
- APP10 Waverley Borough Council 5YHLS Scott Schedule - Appellant & Council 12.12.21
- APP11 Supplemental 5YHLS Position Statement
- APP12 Sustainability Appraisal (SA) of the Waverley Local Plan: Part 1 Pages 24 & 25
- APP13 Section 106 Agreement
- APP14 Email from Tim Burden dated 14.12.21 re pre-commencement conditions
- APP15 Closing Submissions

Interested Persons Documents

- IP1 Statement by Mary Brown



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/17/3179177

Keyfold Farm, 430 Garstang Road, Broughton, Preston,

Lancashire PR3 5JB

- 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 Wainhomes (North West) Ltd against the decision of Preston City Council.
 - The application Ref 06/2017/0097, dated 27 January 2017, was refused by notice dated 20 June 2017.
 - The development proposed is residential development for up to 130 houses.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development for up to 130 houses at Keyfold Farm, 430 Garstang Road, Broughton, Preston, Lancashire PR3 5JB in accordance with the terms of the application, Ref 06/2017/0097, dated 27 January 2017, subject to the conditions set out in the Annex hereto.

Application for costs

2. At the Inquiry an application for costs was made by Wainhomes (North West) Ltd 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 A.
6. **This decision is in respect of Appeal B.**

7. Appeal A is referenced APP/N2345/W/17/3179105 (LPA Ref 06/2016/0736). Site A is Land off Sandy Gate Lane, Broughton, Preston, Lancashire PR3 5LA and the proposal in that case is for up to 97 dwellings. Appellant A is Hollins Strategic Land LLP.
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 A, 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 B and the Council. I refer to this as SoCG (B).
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 B¹, 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 Pycroft², on behalf of both appellants, and that of Mr Harris on behalf of this appellant, is effectively uncontested by the Council.
15. The appeal is supported by a planning obligation in the form of a unilateral undertaking to 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, the provision of 35% affordable housing tied to specified thresholds of occupation of the open market dwellings, so as to

¹ Mr Ponter, advocate for Appellant A, adopted in full Mr Fraser's cross-examination undertaken on behalf of this appellant (B)

² Concerning housing land supply

ensure full delivery of the affordable dwellings, and a scheme for the provision and subsequent management of public open space within the site.

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 the main issues in this appeal to be identical to those in Appeal A, 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 (B) but essentially comprises a farmhouse with outbuildings and agricultural land with hedgerows and trees, currently down to pasture, between the south eastern margin of Broughton, as defined by King George's Field and the Marriot Hotel complex in wooded grounds to the south. The site fronts the A6 Garstang Road but stands clear of the recently constructed by-pass to the east. It also stands clear of the curtilage of the Grade II listed Bank Hall Farmhouse set back from Garstang Road to the west. A war memorial comprised of two elements on either side of the road is located at the south western corner of the site, albeit separated from the latter by a linear copse.
18. The wooded grounds of the Marriot Hotel are subject to a Tree Preservation Order (TPO) and Area 1 of this extends northwards along the Garstang Road for a short distance beyond the war memorial to include the linear copse. The TPO protects a small number of individual trees a little further to the north, a group of trees by the driveway to the farmhouse and a further small area of trees along the Garstang Road frontage as far as the Grade II listed 'Pinfold' (a small stone enclosure historically used for impounding stray livestock) which lies adjacent to the north western extremity of the appeal site. A number of the trees in the latter area of protection would have to be felled in order to facilitate the proposed vehicular access, which is towards the northern end of the Garstang Road frontage.
19. South of the site and beyond the grounds of the Marriot Hotel, and those of the North West Ambulance Service NHS Trust on the opposite side of Garstang Road, the land falls away into the valley of the Woodplumpton Brook and is for

the most part agricultural in nature, including the Glebe Field, but there are buildings and other development associated with the church and there is some further development along D'Urton Lane in the vicinity of the M55 which is constructed to follow the higher ground on the south side of the valley. Garstang Road, across the site frontage, is part of the Preston Guild Wheel cycleway ('the Guild Wheel') which continues eastwards along D'Urton Lane and westwards past, amongst other things, the Appeal site A.

20. 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.
21. 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.
22. 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, Broughton College (the high school) 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

23. For the purposes of considering the main issues in both this case and that of Appeal A, the essential local and national policy framework is identical and is, for the most part, detailed in the TSoCG.
24. 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 purposes³ the relevant components of the development plan are the jointly prepared⁴ Central Lancashire Core Strategy ('the Core Strategy'), adopted in July 2012 to cover the period 2010 – 2026, and the Preston Local Plan 2012 – 2026 *Site Allocations and Development Management Policies* ('the Local Plan'), adopted in July 2015.
25. 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)

³ 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.

⁴ By Preston City Council, Chorley Borough Council and South Ribble Borough Council.

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 closing⁵ 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.

26. 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.*"

27. 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.)

28. 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, although the effect of footnote 10 to the Framework⁶ 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

⁵ ID22 paragraph 13

⁶ "Unless material considerations indicate otherwise."

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.

29. 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 law⁷ 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.
30. 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.
31. 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.*"
32. 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).⁸
33. It is also common ground⁹ that both would conflict with Policy EN1 of the Local Plan. In the "*Open Countryside as shown on the Policies Map*",¹⁰ this limits 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

⁷ CD22 *Suffolk Coastal District v Hopkins Homes & Richmond Estates Partnership LLP v Cheshire East Borough Council* [2017] UKSC 37

⁸ TSoCG paragraph 2.23

⁹ Ibid. paragraph 2.24

¹⁰ i.e. Policies Map for the Preston Local Plan 2012 – 2016

and hence within the Open Countryside for development plan policy purposes, as acknowledged in the TSoCG.¹¹

34. 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.
35. 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.
36. 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 iteration¹² 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 14¹³ 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 2017.¹⁴ 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*".¹⁵ The Parish Council published the amended plan in October 2017¹⁶ 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.
37. 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.

Housing land supply

38. 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 Statement¹⁷, i.e.

¹¹ TSoCG paragraph 2.24

¹² CD15

¹³ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

¹⁴ CD16

¹⁵ Foreword to October 2017 Neighbourhood Plan CD17

¹⁶ CD17

¹⁷ CD10

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.

39. It is necessary, however, to consider certain elements of the calculation in principle in order to assess the magnitude of the acknowledged shortfall.
40. 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.
41. 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.
42. 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-operate¹⁸, and also the object of national policy to boost significantly the supply of housing¹⁹, 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.
43. 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.
44. The relevant Core Strategy policy for the purpose of calculating housing requirements, Policy 4, embodies the principle of addressing the backlog of 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.²⁰
45. 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.

¹⁸ Pursuant to s110 of the Localism Act 2011

¹⁹ Framework paragraph 47

²⁰ Evidence of Mr Pycroft paragraph 11.1

46. Although not labelling it as such, the Planning Practice Guidance effectively advocates the use of the so-called "Sedgefield" approach 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 me²¹ is now entirely supportive of the Sedgefield approach.
47. 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.
48. 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)
49. The evidence demonstrates²² 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.
50. 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.
51. 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

²¹ As summarised in ID22 paragraphs 18-21

²² As summarised in ID22 paragraphs 22-24

- 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.
52. 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.
53. 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.
54. 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.
55. The recent decision at Pear Tree Lane in Chorley²³, 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, moreover, to different circumstances in a different local planning authority, as is clear from its concluding paragraphs,²⁴ 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

56. 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*"

²³ CD28

²⁴ Ibid. paragraphs 63 -71

- (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.
57. The Parish Council emphasised, amongst other things, its concurrence with the analysis in the officer reports and the substance of the Council’s decision.²⁵ 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.
58. I am conscious that Policy 1 of the Core Strategy plans for a development pattern that, for the whole of Central Lancashire, concentrates development according to a settlement hierarchy within which the Preston /South Ribble Urban Area occupies the top tier (a) and smaller settlements including Broughton are included in the lowest tier(f). I place little weight on the appellants’ repeated emphasis that the lack of settlements within the intermediate tiers is a significant factor in support of their appeals. The Core Strategy, which addresses the relevant housing market area, self-evidently transcends administrative boundaries so far as the settlement hierarchy itself is concerned. In planning terms the lack of intermediate tiers within Preston is not therefore, in my view, an important or influential factor.
59. 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.
60. 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 similarly accessible to residents of the two developments proposed. That is a simple function of the geography of the settlement.
61. 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 (on behalf of Appellant A) 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.
62. 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

²⁵ Evidence of Patricia Hastings paragraph 2.1

change to a squarer form with most of the latterly mentioned facilities being located on its southern margin.

63. 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.²⁶
64. 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.
65. 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.
66. 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.

Strategic land use planning aims

67. 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.
68. 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

²⁶ ID18 & ID19

- 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.
69. 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.
70. 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.
71. 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.
72. 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*²⁷. 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.
73. 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.²⁸ 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.
74. 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.
75. 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.²⁹ 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.

²⁷ CD22

²⁸ ID16 and representation dated 04/10/17 from TB Planning

²⁹ ID22 Paragraphs 44 & 48

76. 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.
77. 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.)*
78. 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 relatively 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 remaining gap would be smaller and more vulnerable to perceived or actual closure in the event of further development.
79. 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.
80. 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.

81. 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.
82. 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.
83. 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.
84. 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 planned 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.
85. 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

86. 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.
87. 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.
88. 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.³⁰ Such an approach, in principle, would have significantly deleterious implications for the efficacy of the appeals system.
89. The aims of the emerging Neighbourhood Plan are spelt out in the latest draft.³¹ 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.
90. 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

³⁰ ID16 paragraph 27.0

³¹ CD17 paragraph 5.2

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,³² 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.³³

91. 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 B*

92. The final main issue I have identified concerns site-specifics and the following paragraphs therefore refer exclusively to Appeal Site B unless I indicate otherwise.
93. Situated on the south-east margin of the settlement, this site occupies the currently open and scenically attractive frontage to Garstang Road between the sylvan grounds of the Marriot Hotel and a sporadic ribbon of properties running northwards from the Pinfold into the village centre with the King George’s Field to the rear. It is centred on the complex of buildings at Keyfold Farm (none of which are listed) and some of which are indicated as being demolished to facilitate the development concept indicated on the illustrative plan.
94. The access proposed onto Garstang Road would be a little to the north of the existing farm access, which would be closed off. As I have noted, the new access would involve the loss of five trees subject to the TPO previously referred to. More specifically, these are within Area A.2 of the Order which includes beech, sycamore, oak and ash trees. The tree survey submitted with the application demonstrates that all are mature and in varying health. T8, a sycamore is recommended for felling and T3 (ash), T4 (sycamore) and T7 (beech) have a relatively short life expectancy now in any event. Their value as a group on the road frontage would be lost immediately but as the site layout is illustrative at this stage I have no doubt that, in principle, an (ultimately) comparable group could be incorporated within open space within it for amenity value.
95. The overall site size, the number of houses proposed and the illustrative plan all point to a comparatively low density scheme (circa 19 dwellings per hectare overall³⁴) with ample scope for generous gardens, open space, retention of existing trees (save for those affected by the proposed access) and generous new landscaping.
96. The main public prospects of the site would be from King George’s field looking southwards and from its frontage to Garstang Road, along which the rurality and maturity of the landscape surrounding Keyfold Farm, almost parkland in character, is apparent between the Pinfold and the linear copse alongside the war memorial. More limited views would be possible from the grounds of the hotel and associated accommodation along their northern margin. The public footpath running north eastwards from the vicinity of the church was

³² TSoCG paragraph 2.35

³³ *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).

³⁴ Calculated on basis of application form

inaccessible at the time of my visit, but it was apparent from within the body of the site that topography would limit views from that public right of way and it was also clear that views from the new by-pass would be limited also, by topography, highway design and planting.

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 2017³⁵ and that, within this, Site J comprises the northern part of the appeal site at Keyfold Farm and refers to a parkland appearance coincident with the impression I have formed. Although this contributes to its 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. 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 pleasantly rural character and appearance of the appeal site and its immediate environs 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 at the main entrance to the village on approach from the south past the Marriott Hotel and the North West Ambulance Service NHS Trust 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. The existing trees and hedgerow at the northern boundary of the site with King George's Field is indicated to be strengthened by new planting, whereas the southern boundary with the grounds of the hotel is effectively contained by the existing (protected) trees therein. Open pasture beyond the eastern boundary of the site extends to the new by-pass and the earthworks and landscaping associated with that. To the west, inter-visibility with the Appeal Site A would be limited due to the setback of the latter from Garstang Road and the retained intervening pastureland. The cumulative impact of the proposed developments on the currently open area of land south of the village would thereby be correspondingly limited.
100. Bearing that in mind it does seem to me nonetheless that the site sits alongside an important thoroughfare between Broughton and the outlying development associated with the church and its environs including the Glebe Field, the motorway junction and the neighbouring city beyond. However, although it sits within the defined Area of Separation subject to Local Plan Policy EN4 (pursuant to the principles established in Core Strategy Policy 19), the topography and vegetation combine to create a sense of separation between the two settlements for users of the Garstang Road that would be little altered in practice, providing the frontage to that road along the western boundary of the site in depth is sensitively treated. The southern part of that frontage is in any event formed by the linear copse of protected trees east of the war memorial.

³⁵ ID12

101. I am required by reason of the primary legislation³⁶ to pay special attention to the desirability of preserving the setting of the Grade II listed pinfold to the south of 442 Garstang Road adjacent to the north-west corner of the site. Although the existing dwelling at No 442 is comparably close, if not physically closer in precise terms, to the pinfold than the nearest house indicated on the illustrative plan, I do not altogether accept the statement in the submitted *Planning, Affordable Housing, Heritage and Design and Access Statement* that... *"The nearest house would be generously distanced from the enclosure and great care has been taken through the master planning process in order to ensure the safeguarding of the significance of this heritage asset."*³⁷
102. The existing house is where it is; but, bearing in mind the importance policy now accords to heritage assets and their significance, I believe a more considered approach would be required. Pinfolds are a feature of rural agricultural settlements and are of limited height and bulk. Domination of this simple historic structure by the physical mass of the suburban housing proposed in close proximity at plots 1, 2 and 3 on the illustrative plan, as opposed to the more rural ambience of the existing open land with trees between the pinfold and the existing Keyfold Farm, would fail to preserve the immediate setting of the pinfold on approach and arrival from the north along Garstang Road and would in my estimation tend to erode the significance of this heritage asset, albeit the harm would be less than substantial.
103. There would, it seems to me, be considerable scope for mitigating such harm, however, on submission of reserved matters, which would fall to be determined by reference to material considerations including relevant policy on the protection of heritage, and any conditions imposed to this end. The layout is clearly not fixed at this juncture and neither is the overall number of dwellings. A more considered and sensitive approach is entirely practical and therefore the illustrated level of harm to the setting and significance of the asset does not, as a matter of principle, weigh heavily against the development proposal as a whole.
104. The war memorials further down Garstang Road (beyond the indentation of the site boundary to accommodate the protected area of trees extending northwards along the road from the Marriot Hotel) would not in my view be significantly affected by the proposed development, owing to the intervening woodland, and the concerns of the Parish Council regarding the King George's Field and associated buildings could readily be accommodated by sensitive design at reserved matters stage. Moreover, the manner in which the Keyfold Farm complex itself is treated in detail is also capable of being addressed at that stage albeit I have no firm evidence to suggest that the brickwork on the outbuilding indicated to be demolished is of sufficient significance to be a determinative factor in that context.
105. The pastureland between the site and the new by-pass would remain and is characterised by a number of ponds that survey work³⁸ indicate to be of some limited significance as habitat for Great Crested Newt and appropriate safeguards for this protected species and also bats³⁹ could be achieved through the use of planning conditions.

³⁶ Planning (Listed Buildings and Conservation Areas) Act 1990 s66(1)

³⁷ CD43 paragraph 5.50

³⁸ Extended Phase 1 Habitat Survey undertaken in October 2016 – Rachael Hacking Ecology

³⁹ Daytime Bat Survey January 2017 – Rachael Hacking Ecology

106. It is common ground between the Council and the appellant⁴⁰ that there are no irresolvable objections to the proposed development from specialist consultees on the grounds of ecology and protected species, flooding and drainage, risk of crime, air quality; contaminated land; residential amenity; archaeology; effect on trees; adequacy of on-site open space or energy-efficiency. I have no authoritative evidence sufficient to gainsay that position, albeit concerns raised by local residents include such matters. It is also agreed⁴¹ that there would be no significant highway safety implications or harm to the wider road network and I have no reason to consider otherwise.
107. Overall, for the above reasons, I consider the site-specific characteristics of the proposed development to be generally 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 immediate setting of a listed building which is partially co-incident with a notably attractive frontage to Garstang Road; albeit that harm could be significantly mitigated through layout and design. Clearly it would involve the loss of open pasture more generally 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, along what is in fact the principal route between Preston and Broughton, is limited by topography and existing features and is in any event 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 undertaking given 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%⁴² of the housing as affordable housing in accordance with development plan policy and the provision and future management and maintenance of open space within the scheme of development.
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.

⁴⁰ SoCG (B) paragraph 5.12

⁴¹ Ibid. paragraph 5.3

⁴² c/f erroneous reference to 30% at paragraph 6.5 of Mr Sedgwick's evidence

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)⁴³ which were discussed at the inquiry. Although I consider them to be necessary and otherwise appropriate in the light of the 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 (130) 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 SC12 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 (including in this case the possibility of asbestos being present in the existing buildings on the site) more efficiently and comprehensively.
117. SC6 concerns the potential for parts of the site to be contaminated for one reason or another but is excessively complicated and it overlaps with and to some extent duplicates SC5. It was agreed that these SC would need to be simplified as a single condition.
118. SC7 concerns the evident potential for dwellings to be affected by road noise, which would require mitigation in affected parts of the site in accordance with the specialist survey submitted. This was predicated on the illustrative scheme and concludes that... *"Once the final scheme is available, further measurements and predictions can be undertaken as appropriate to produce a definitive noise control scheme"*. On that basis, it is clear that the matter of noise mitigation is inseparable from the approval of reserved matters and any relevant condition to that effect would need to be constructed accordingly.
119. SC8 is largely duplicated by SC13 and concerns the submission and approval of a travel plan to encourage sustainable travel habits from the outset. It was therefore agreed that the two conditions would need to be unified and, moreover, that the proposed contradictory thresholds of occupation were irrelevant in any event and that the travel plan would need to be in place prior to any dwelling being occupied.

⁴³ ID20b

120. SC9 is specific to the highways circumstances of Appeal B insofar as the access proposed would be to a principal thoroughfare and off-site works including bus stops are proposed. SC10 would be required to ensure that management and maintenance of the estate roads is put on a proper footing and SC11 would be required to ensure removal of the existing access to Keyfold Farm.
121. SC14 and SC15 concern surface water drainage but are excessively and unnecessarily complex. A much simpler approach, also necessarily encompassing foul drainage, is to be preferred and the use of sustainable urban drainage principles in the case of the surface water arrangements should be maximised.
122. SC16, SC17 and SC18 are required in the interests of maintaining and enhancing biodiversity and in this case, bearing in mind the dynamic interaction between species and habitat over time, including adjacent habitat, further survey work in association with the submission of reserved matters would be required.
123. SC19 concerns the protection of existing trees to be retained on the site.
124. SC20 concerns the need for an archaeological investigation arising from the possibility that a Roman Road impinges on the site.
125. SC21 and SC22 would be required to promote energy efficiency and 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.⁴⁴
126. Finally, the possibility of a condition to protect the setting of the Pinfold was discussed and, for the reasons I have previously detailed, I consider such a condition would be necessary, so as to inform and constrain the design of the layout at reserved matters stage. Given the overall size of the site, the fact that all matters are reserved save for access, the unavoidable loss of trees upon implementation of that access, the low density approach illustrated and the fact that the number of units proposed is a maximum, there would be, in my view, adequate scope for adjustment to accommodate the preservation and enhancement (bearing in mind Framework paragraph 64) of the immediate setting of the Pinfold without altering the nature of what has been applied for. Such a condition would not only be necessary but entirely reasonable, providing the meaning of immediate setting is defined with precision. This would be readily achievable by reference to the illustrative site layout.

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

⁴⁴ 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.

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 the 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 between Garstang Road and the new by-pass 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 attractive frontage to Garstang Road including the setting of the Pinfold could be effectively mitigated at reserved matters stage and the harm to the significance of the latter would be not only less than substantial but towards the lower end of that spectrum of harm, in my assessment. It 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 evidence⁴⁵ 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 Council⁴⁶ 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, albeit by a relatively narrow margin, given the sensitivity of the Garstang Road frontage.

⁴⁵ Evidence of Mr Harris (paragraphs 7.1 – 7.32)

⁴⁶ 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 A, 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. 16-151/LP-001); Proposed Site Access (dwg. SCP/16486/D07).
- 5) The development hereby permitted shall be limited to a maximum of 130 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 the prior removal of asbestos if found to be present on site or in any buildings to be demolished
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix) delivery, demolition and construction working hours.
- x) 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 be carried out until a detailed and definitive noise control scheme (as recommended in the Road Noise Assessment [Ref. 20170126 7852 Broughton 8233-2.docx] by Martec Environmental Consultants Ltd dated 4 November 2016), to be submitted in association with the reserved matters, has been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) 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.

- 10) No development shall take place until a fully detailed scheme for the construction of the access works within the site and the off-site works of highway improvement (including upgrades to two bus stops) has been submitted to and approved in writing by the Local Planning Authority. The site access works shall be completed to an approved specification prior to the occupation of any dwelling served by them and the scheme as a whole shall be implemented fully in accordance with the approved details.
- 11) 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.
- 12) No new dwelling on the site shall be occupied until the existing vehicular access to Keyfold Farm has been physically and permanently closed and the existing footway and kerbing of the vehicular crossing has been reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads.
- 13) 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.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) Applications for the approval of reserved matters shall be informed by and accompanied by further ecological survey work and method statements to a scope and specification to be approved in writing by the local planning authority. The further survey work shall address the potential presence of great crested newt, ground nesting birds and brown hare on the site and its surrounds and method statements will be

provided, as necessary, for approval in writing by the local planning authority, to demonstrate how any such species present will be safeguarded. Development shall be carried out in accordance with any such specific method statements as are required by and approved in writing by the local planning authority.

- 18) The development hereby approved shall be carried out in accordance with the recommendations of the Tree Survey by Iain Tavendale dated 14 November 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.
- 19) No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This shall be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority.
- 20) 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.
- 21) 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.
- 22) No development shall take place until a fully detailed scheme for the preservation and enhancement of the immediate setting within the application site of the Pinfold on Garstang Road has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the 'immediate setting' is the land comprising the plots numbered 1, 2 and 3 on the illustrative site layout 16-151 (January 2017) and the land between those plots as shown and Garstang Road north of the site access as indicated on that layout. The scheme shall include a programme for implementation and shall be carried out in accordance with the approved details.

* * *

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:

Vincent Fraser QC

He called

Ben Pycroft BA (Hons) Dip TP MRTPI
Associate Director, Emery Planning

Stephen Harris BSc (Hons) MRTPI
Director, Emery Planning

FOR BROUGHTON PARISH COUNCIL:⁴⁷

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
Tim Brown BA MRTPI

Ward Councillor
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,

⁴⁷ 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.