

PROOF OF EVIDENCE OF MARK SAUNDERS

MA (HONS) MRTPI

LAND WEST OF GARSTANG ROAD, BROUGHTON

PINS REFS: APP/N2345/W/23/3330709

HOLLINS STRATEGIC LAND LLP

JANUARY 2024

Declaration

I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. In accordance with the guidance of my professional institution, I can confirm that the evidence which I have prepared and provide to this appeal is true to the best of my knowledge and belief and identifies all matters which I regard as being relevant to the opinion that I have expressed.

Contents

1.0	Summary of Evidence	4
2.0	Qualifications and Experience	8
3.0	Introduction and Scope of Evidence	9
	Introduction.....	9
	Hollins Strategic Land LLP	10
	Scope of Evidence.....	10
	Structure of Evidence	11
4.0	Appeal Context	12
	Site and surroundings.....	12
	Designations.....	13
	Planning History.....	13
	Appeal Scheme	16
	Application and decision.....	17
	Planning Appeal.....	19
5.0	Planning Policy	20
	Statutory Development Plan.....	20
	Material Considerations.....	24
6.0	Compliance with Development Plan Policies	31
	Policy 4.....	31
	Policy 1	32
	Policy EN1	50
	Policy AD1 (a)	53
	Policy RES1	57
	Policy RES2 & Policy 7.....	60
	Summary of Compliance with Development Plan	60
7.0	Meeting the Needs of Groups with Specific Housing Requirements.....	64
	Updates to NPPF.....	64
	Existing and Future Supply	65
	Relevant Appeals and Local Decisions	65
	Summary.....	68
8.0	Benefits and Planning Balance	70
	Main Benefits.....	70
	Market Housing	71
	Affordable Housing	76
	Older People's Need	82

Accessible and adaptable homes	89
Ethnic Minority Groups	91
Open Space	93
Biodiversity Net Gain	94
Bus stop infrastructure	94
Vitality of Community	95
Construction benefits.....	96
Planning Balance	97

Appendices

1	-	Policy Matrix
2	-	Composition of existing and future housing supply
3	-	National net housing completions
4	-	PCC Planning Applications (2004-23)
5	-	Heylo Interest Letter
6	-	Liberty Interest Letter
7	-	FOI Requests/Emails on specialist housing monitoring data
8	-	BNG Report
9	-	Policy Map (change on the ground)
10	-	Appellant Track Record
11	-	Construction Benefits Note
12	-	Third Party Representations response
13	-	Hollins Homes Interest Letter
14	-	Places for People Interest Letter
15	-	Letter from Local Agent

1.0 Summary of Evidence

- 1.1 There are three routes to the proposals being permitted in this specific case:
- Scenario 1 - it is in accordance with the development plan;
 - Scenario 2 - there is conflict with the development plan but material considerations indicate that permission should be granted despite that conflict, or;
 - Scenario 3 – the most important policies for determining the application are out-of-date, and so the 'tilted balance' is engaged, the harms of the scheme do not significantly and demonstrably outweigh the benefits.
- 1.2 Scenario 1 is my primary case and would mean the proposals should be approved without delay. Scenario 2 is not in any way a new or novel feature of planning decisions that material considerations (usually, as here, substantial public benefits) can outweigh conflict with a development plan. Scenario 3 would indicate that the plan-led system would not be delivering the necessary development for the area – in this case the specialist homes being proposed as part of this scheme. There is no basis for a contention that the grant of permission for this scheme would undermine confidence in the plan-led system. The proposals are simply seeking to meet a real identified public need not being met by the development plan.
- 1.3 In my opinion, the appeal proposals accord with the development plan as a whole in the first instance. A full policy matrix is provided across strategic and development management policies exemplifying my case on this point (Appendix 1). As the courts have made clear, and is common ground in this appeal, a proposal can accord with the development plan as a whole, even if there are conflicts with some specific policies.
- 1.4 It is my case that the proposals do not conflict with Policy 1 in the Central Lancashire Core Strategy ('CLCS') because it complies with policy, or alternatively, because there are exceptional circumstances to grant consent which the policy allows, including:
1. Meeting a local need for affordable needs as well as the needs of older people, the ethnic minority communities and those with disabilities;
 2. It is common ground the proposals are similar scale to the 'small-scale' allocations in the BNP;
 3. The proposals are infill development and it is common ground the site is well-contained.

4. Alternatively, and in addition to the points above, there are exceptional circumstances that mean either the scheme complies with Policy 1 or the conflict is limited. Broughton has significantly changed beyond what the plan envisioned and has become even more sustainable since it was adopted. In terms of services and facilities, it has surpassed even other settlements higher in the hierarchy and its population has increased too. Policy 1 recognises the need to deal with changing circumstances¹.
- 1.5 In regards to Policy EN1, on further detailed consideration I consider the proposals do not conflict. It is common ground the spatial strategy does not seek to protect the open countryside for its own sake. It is my case that:
1. The proposals comply with EN1 because it is infill development evidently within groups of buildings as defined by the policy itself;
 2. Alternatively, if the Inspector disagrees, the conflict with EN1 is limited due to the agreed strong containment of the site.
- 1.6 The latest part of the development plan (the BNP) states that Policy 1 and EN1 continue to apply. Indeed, the wording of Policy RES1 itself takes direction from the strategic policies 1 and EN1 to assess proposals in open countryside. However, there is a tension between Policy 1 and EN1 because EN1 does not allow for the exceptional circumstances under Policy 1.
- 1.7 Policy EN1 and RES1, if applied with full weight in this specific case, do not sit with Policy 1 without tension as they do not allow for any of the exceptions to 'typical' development types as permitted by Policy 1. This in our view limits the weight that can be attached to the perceived conflict of EN1 and RES1. The proposals which seek to meet newly arising housing needs in accordance with Policy 1 and AD1(a) would also be pulled in an opposite direction by EN1 and RES1. In effect, development such as the appeal scheme that complies with the overarching spatial strategy in Policy 1, and aligns positively with all the Strategic Objectives (SO1-SO24) would be blocked.

¹ It is common ground that the supporting text to Policy 1 at paragraph 5.55 as well as paragraph 1.6-1.8 of the introduction to the Core Strategy expresses flexibility for the plan to deal with changing circumstances. Strategic Objective 5 of the Core Strategic also seeks to help make available "a ready supply of residential development land over the plan period so as to help deliver sufficient new housing of appropriate types to meet future requirements".

The flexibility achieved is to reflect the reality that "*housing figures are minimum requirements, net of demolitions, that they are not absolute targets and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fit with relevant local and sub-regional strategies*" (CLCS Inspectors Report, §32 – CD4.02).

- 1.8 In the Inspector disagrees, the proposals should not be frustrated or delayed as a result of policy conflict where there is limited (if any) harms arising from that conflict. The Council may seek to argue that conflict with any policy is clearly a form of harm within a genuinely plan-led system. However, equally, a failure of a plan to meet newly identified specialist housing needs in a sustainable location as quickly as possible would also undermine public confidence in the plan-led system. Harm by not fulfilling opportunities to create sustainable development to respond to an identified real need is in itself a relevant harm associated with a decision not to allow planning permission. The Council has a legal duty not to discriminate people with protected characteristics because of a particular policy or way of working that has a worse impact on people with protected characteristics².
- 1.9 Nevertheless, it is common ground that decisions can depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed – my secondary case. I consider there to be compelling exceptional reasons supporting the proposals in this instance including the proposal's response to the Council's most up to date evidence on local housing need – including the needs of specific groups in the community. As the specific type and tenure of housing needs has only recently emerged, and could not have been identified in the development plan policies, the development plan is not able to meet these needs; my analysis of the supply confirms this (Appendix 2). It is part of my tertiary case that this engages the tilted balance, this fundamental inconsistency with a key part of the framework renders the policies most important for the determination of this application out of date. This engages the tilted balance in NPPF paragraph 11(d).
- 1.10 I consider the benefits of the proposals to be substantial. A point agreed with the Council. There has been no other scheme determined in the LPA area, or indeed in Broughton, which proposes the range of housing product and other benefits brought by these proposals – this makes the proposals unique and responsive to new evidence.
- 1.11 It is common ground that the purpose of the spatial strategy is to guide development to sustainable locations. My evidence demonstrates that Broughton is clearly a sustainable location. It is common ground that the appeal site is accessible to a range of services, facilities and sustainable transport all within walking distance. Other Inspectors have also concurred. The appeal proposals align with the aims of both national planning policy (NPPF Paragraphs 105 and 110) etc); regional policy (CLCS

² Public Sector Equality Duty (PSED) requirements

Policy 3) and local planning policy (PLP Policy IN2 & IN3) which promote growth in sustainable locations that in turn reduces car dependence.

- 1.12 In addition, it is common ground that the site is well-contained and any adverse visual and landscape impacts are fully mitigated. It is also common ground that the role, function and purpose of the wider countryside would be maintained. It is agreed the site is not a valued landscape, is not BMV, and the development would be compatible with its surroundings and not lead to an over-intensification of use of the site. The site in short is, at best, a very ordinary piece of land on the edge of the urban area.
- 1.13 In conclusion I have followed the process required by statute and NPPF paragraph 12 that the development plan is the starting point for decision making. It is my primary case that the development accords with the development plan as a whole and so planning permission should be granted. The proposals are informed by the latest evidence published by the Council and, coupled with the sustainable location of the site, represent good planning.
- 1.14 In the event the Inspector concludes that the proposals do conflict with the development plan as a whole, because of conflict with specific policies, I consider that there are a range of other policies that support the proposals and there are material considerations of substantial weight in this particular case that limit the harm arising from any conflict and thus indicate the plan should not be followed in accordance with NPPF paragraph 12. This approach is not in any way a new or novel feature of planning decisions; material considerations (as here, substantial public benefits) can outweigh conflict with a development plan.
- 1.15 Alternatively, as none of the most important policies for the determination of this appeal accord with §60 and §63 of the Framework in assessing and reflecting the identified needs of different groups in the community with specific housing requirements (as this appeal seeks to respond to) then, when taken together with the other out of date policies, the most important policies for the determination of the application are out of date³ and the tilted balance is engaged. In this context, the adverse impacts do not significantly and demonstrably outweigh the substantial benefits.
- 1.16 Subject to appropriate conditions and obligations, I respectfully invite that the Appeal is allowed and planning permission granted.

³ As set out by Dove J in *Wavendon Properties Limited v Secretary of State for Housing, Communities and Local Government*.

2.0 Qualifications and Experience

- 2.1 I am Mark Saunders, a Chartered Town Planner with over 19 years' experience in private practice having previously worked in Local Government. I am a Director of NJL Consulting ("NJL") operating from offices in Manchester and Leeds. I hold a degree and a Masters in Town Planning and am a Member of the Royal Town Planning Institute.
- 2.2 I have significant experience in representing clients across the North West in relation to residential development working on behalf of housebuilders, affordable housing providers, developer and land owners/promoters.
- 2.3 I have been instructed by the Appellant to provide planning advice since 2022 in relation to the appeal site. I am therefore very familiar with the appeal site and surrounding area and have visited on multiple occasions since that time.
- 2.4 The Appellant has provided representations to the emerging Central Lancashire Local Plan and am very familiar with the Development Plan policies for the Preston Council and Central Lancashire area and those of relevance to the application site proposals.

3.0 Introduction and Scope of Evidence

Introduction

3.1 This Proof of Evidence has been prepared on behalf of Hollins Strategic Land LLP (hereafter "the Appellant") in respect of an appeal pursuant to Section 78 of the Town and Country Planning Act 1990 against Preston Council's (hereafter "the Council") refusal of outline planning permission for residential development on land west of Garstang Road, Broughton.

3.2 The application (06/2023/0030) was submitted on behalf of the Appellant on 5th January 2023 and released to the Council and validated on 6th January 2023. The description of development was:

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

3.3 The application was refused on 4th April 2023. A sole Reason for Refusal ('RfR') was cited within the decision notice issued by PCC as follows:

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

Hollins Strategic Land LLP

- 3.4 The Appellant – Hollins Strategic Land LLP (“HSL”) – is one of the leading land promoters in strategic land, was founded in 2007 and aims to help bring forward sustainable and deliverable homes in locations where there are housing need shortfalls. Recently, the company has secured over 10 planning permissions for over 700 dwellings; many have already been sold to national and regional housebuilders, or built out by their SME sister house-building company Hollins Homes, and are delivering much needed homes not only in Preston but across the country.
- 3.5 HSL work on behalf of a wide range of landowners including private individuals, charities, trusts and Government estate departments, promoting land through the planning system to secure housing allocations and planning permissions for residential development. The company then manages the sale of the site from the landowner to the housebuilder who then build out the site and deliver homes. The Appellant’s track record of delivery is set out in Appendix 10.
- 3.6 HSL is dedicated to the delivery of this scheme alongside its development partners in affordable and older people’s housing who have demonstrated a strong interest in the scheme⁴. An independent letter from a very experienced local agent who understands the needs of housebuilders operating in Preston is that, if the appeal is consented, he would have no problem the scheme would be attractive on the market and is deliverable.

Scope of Evidence

- 3.7 I am instructed by the Appellant to provide evidence to this Inquiry. My evidence relates to planning matters relevant to the determination of the appeal proposals. This considers statutory development plan policies and other relevant planning policy and material considerations in undertaking an overall planning balance for the appeal proposals.
- 3.8 This proof refers to published documents by the Council as evidence provided to this Inquiry. I have drawn conclusions from this evidence as necessary to inform a professional judgement on the merits of the appeal proposal and factual matters of relevance to the planning balance.

⁴ As confirmed by letters of interest (Appendix 5, 6, 13, 14, 15).

Structure of Evidence

3.9 My evidence has been structured as follows:

- **Section 4.0 (Appeal Context)** introduces the site and its surroundings, designations, planning history, the proposed scheme, and chronology of events from the application submission to appeal.
- **Section 5.0 (Planning Policy)** sets out the planning policy context, considering the Development Plan as a whole and the most important policies for the determination of the appeal. I also set out other material considerations.
- **Section 6.0 (Compliance with Development Plan policies)** sets out my assessment of the appeal proposals against the most important policies.
- **Section 7.0 (Meeting the Needs of Groups with Specific Housing Requirements)** sets out the changes to the Framework since the adoption of the development plan in ensuring the needs of groups with specific housing requirements are addressed and met. I also set out conclusions from my analysis of the current and future housing supply and refer to relevant appeals and local decisions.
- **Section 8.0 (Benefits and Planning Balance)** details the significant benefits in favour of the appeal proposal, stemming principally from the delivery of much-needed specialist housing within an area of identified unmet need. I also provide justification to the weighting attributed to each of these benefits within the planning balance and draw from relevant appeal decisions. I then make conclusions on the planning balance.

4.0 Appeal Context

Site and surroundings

- 4.1 The site comprises a greenfield site located on the western side of Garstang Road in the settlement of Broughton, Preston.
- 4.2 To the north, the site is bound by built development of Broughton where 483 Garstang Road ends. 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.
- 4.3 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.
- 4.4 The site has frontage along the whole of the eastern boundary onto Garstang Road. The proposed site access is also taken from Garstang Road. Opposite the site on Garstang Road is a recently consented development scheme which is under construction for 130 dwellings. The western boundary would adjoin the recently consented development scheme at Sandy Gate Lane which is under construction for 97 dwellings. These appeal decisions are material considerations of significant weight and demonstrate that Broughton is a sustainable location as recognised by the NPPF (specifically para. 105 of the NPPF which states that significant development should be focused on locations which are or can be made sustainable).
- 4.5 The Guild Wheel, a designated cycle route, runs along the eastern boundary of the site and part of the northern boundary⁵. The Guild Wheel is a circa. 21-mile long safe cycling and walking route, running between Preston and Broughton, offering designated routes to cyclists to explore the wider area whilst also providing opportunities to connect to jobs, services, facilities and leisure.
- 4.6 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.
- 4.7 The site benefits from a relatively flat topography. The site is in Flood Zone 1 and not considered to be at risk of flooding.

⁵ CD4.08 – Map of Guild Wheel

- 4.8 Broughton is a village in the borough of Preston with a parish area population of circa. 2,466 people (Census 2021). Local built form comprises predominantly residential in the form of single and two storey properties.
- 4.9 A range of local amenities exist within walking distance including schools (both primary and secondary), convenience shops, restaurants, cafes and pubs.

Designations

- 4.10 The site is not within 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 south of the site. Other listed buildings include the Amounderness War Memorial, which is located close to the junction of Garstang Road and the access to Bank Hall, and the Pinfold at 422 Garstang Road. A full heritage assessment was undertaken by Kathryn Sather & Associates Heritage Conservation Consultants and submitted with the application (CD1.18). The report concluded the proposals, taking account of harms and benefits, would overall have a neutral impact on the setting of the heritage assets. There are no heritage reasons for refusal.

Planning History

06/2021/1104

- 4.11 Outline Planning Permission (all matters reserved except for access) was sought in respect of the site for the following:

“Outline Planning Application seeking approval for access only for residential development for up to 51no. dwellings with associated works (all other matters reserved)”

- 4.12 The OPA was refused on 6th January 2022. The first OPA sought planning permission for the same description of development as the second OPA (subject to this appeal process), albeit with an alternative type and tenure of housing. The sole RfR was as follows:

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.

4.13 The following key items were established as acceptable in principle and set out within the Officer's Report (CD3.01) relating to the refused OPA:

1. The proposal would have no impact on the strategic area of separation.
2. The proposals would not harm the surrounding landscape character.
3. There would be no harm to heritage assets arising from the proposals.
4. The surrounding highways network has capacity to accommodate the proposals and the proposed access arrangements are acceptable in principle.
5. The landscaping scheme would promote sufficient buffer zones and offsetting to protect the surrounding landscape areas.
6. A biodiversity net gain of 8.94% could be achieved on site at that time.

06/2021/1104 - Application Consultation

4.14 Through the determination of the application, the application was fully consulted upon, with a wide range of issues agreed with PCC and other statutory consultees. There were no objections from United Utilities, Natural England, County Highways, Highways England, County Education, Greater Manchester Ecology Unit, Environmental Health, Parks and Horticulture Service (Landscape).

4.15 In addition to the statutory comments outlined above, a number of comments were made by residents and other stakeholders. These were summarised in the officer committee report (CD8.01).

4.16 In reporting the application to planning committee, the case officer's assessment made the following observations and statements:

- 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. 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.
- 4.17 The points of agreement reached within the refused OPA (Reference: 06/2021/1104) formed the starting point for the revised submission. The revised OPA sought to overcome the refused OPA RfR by providing further evidence/justification for the proposed development and also altering the proposed housing offer to respond to published housing need reports which came to light.

Appeal Scheme

- 4.18 The outline application comprises up to 51no. dwellings with all matters (save for access) reserved for later approval. The proposed quantum of development amounts to a net density of 30 dwellings per hectare.
- 4.19 An illustrative layout was submitted with the application. A 45m wide greenspace buffer is located on the southern part of the site and wraps around part of the western edge of the site providing additional open space (including potential opportunities for SUDS features). It is the expectation all existing trees along the boundary of the site can be safeguarded, with only limited hedgerow loss to allow for the access road and pedestrian access. Whilst layout is a reserved matter, it is common ground that the general location of the development and open space areas can be secured by condition referring to the Parameter Plan (CD2.02) submitted with the application which gives commitment to the greenspace buffers shown.
- 4.20 The internal road layout is yet to be determined but it is the expectation that these would be to adoptable standard, with on-plot parking possible.
- 4.21 Access to the site will be afforded from a new junction with Garstang Road (CD2.05). It provides a visibility splay suitable for an access onto a 20mph road. Separate cycle and pedestrian access will also be provided to interlink with the Guild Wheel which runs parallel with the northern boundary of the site. The existing cycle route along Garstang Road will have priority over the access to the site as agreed with Lancashire County Highway Authority.
- 4.22 The following dwelling typologies and tenures are proposed by the Appellant:
- Housing for over 55's (10%) secured by obligation;
 - Increased provision of affordable housing with a focus on the affordable rented sector and First Homes (40%) secured by obligation;
 - Accessible and Adaptable M4(2) and Wheelchair M4(3) dwellings secured by condition;
 - Minimum of 5% larger homes aimed at minority groups and the needs for multi-generational homes secured by condition.

Application and decision

4.23 The OPA submission was submitted via the Planning Portal on 5th January 2023 and released to PCC on 6th January 2023. The application was made valid by PCC the same day i.e. 6th January 2023 under reference: 06/2023/0030.

“Outline Planning Application seeking approval for access only for residential development for up to 51no. dwellings with associated works (all other matters reserved)”

4.24 The statutory consultation period ran from January to March 2023. Details of responses and amendments prepared are summarised below:

- The LLFA requested further information on 24th January 2023. The further information was provided by the applicant on 6th February 2023 in the form of a revised Drainage Strategy (CD2.01), with the LLFA removing their objection on 14th February 2023.
- Lancashire County Council ('LCC') Highways also requested clarification in respect of access arrangement on 1st February 2023, which was provided through an updated Transport Assessment (CD2.04) and updated Parameter Plan (CD2.02) issued to PCC on 10th February 2023. LCC removed their objection on 9th March 2023.

4.25 The OPA was heard at PCC Planning Committee on 30th March 2023 with an officer recommendation to refuse. All 11no. members present voted in line with the officer recommendation. Members did not put forward any additional reasons for refusal.

4.26 Table 1 highlights that there are no outstanding technical objections from statutory consultees; all raise no objection subject to certain conditions and/or planning obligations being secured. The Appellant is agreeable to securing the requested financial contributions, subject to CIL compliance, through a Section 106 legal agreement.

Consultee	Comment	Agreed with PCC
United Utilities	No objection subject to appropriate conditions to control surface water management	Y
Natural England	No objection	Y

County Highways	No objection subject to conditions requiring the submission of a scheme for the new site access/junction, the new estate road/access shall be constructed in accordance with the LCC's Specification for Construction of Estate Roads, submission of details relating to the arrangements of the management and maintenance of the proposed streets, provision of the approved car parking areas, submission of the condition of the highway, provision of wheel cleaning facilities, provision of electric vehicle charging points and cycle parking	Y
Lead Local Flood Authority	No objection subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, Surface Water Sustainable Drainage Strategy and Sustainable Drainage Pro-forma, and the submission of: the final Surface Water Sustainable Drainage Strategy; a Construction Surface Water Management Plan; a Sustainable Drainage System Operation and Maintenance Manual; and a Verification Report of the constructed sustainable drainage system.	Y
National Highways	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 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.	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 Streetscene (landscape)	No objections subject to a condition requiring the submission of a hard and soft landscaping scheme	Y
Parks and Streetscene (Trees)	No response received.	
Waste Management	No objection subject to collection agreements and a Waste Management Plan for subsequent reserved matters.	Y

Table 1 - 06/2023/0030 - Statutory Consultee Responses

Planning Appeal

- 4.27 The Appellant lodged an appeal against this refusal on 4th October 2023. It is scheduled to be heard at a public inquiry commencing 6th February 2024.
- 4.28 Additional third party representations have been submitted and my response to these are set out in **Section 7**.

Case Management Conference

- 4.29 At the Case Management Conference, the Inspector identified the main issues as:
- i. Whether or not the appeal site is a suitable location for the residential development proposed, with particular regard to the adopted spatial strategy, identified local housing needs and National Planning Policy Framework (the Framework);
 - ii. Whether or not the appeal proposal conflicts with the area's adopted development plan as a whole; and
 - iii. Whether or not any benefits would arise from the appeal proposal, and the weight that should be attributed to each.
- 4.30 It was agreed that the description of development and site address on the decision notice would be the same for the appeal.
- 4.31 It was agreed that the disputed housing and planning matters would be suited to formal evidence and cross examination. It was also agreed a party by party approach would be most appropriate in terms of formal evidence giving.
- 4.32 The Inspector requested that the main parties further review the agreed wording of the heritage balancing exercise.
- 4.33 The Inspector requested that further consideration of conditions be given to ensure they are properly justified and that the final schedule must include reasons and references of any policy support.
- 4.34 A signed Statement of Common Ground dated 7th December 2023 is provided to the inquiry. A further supplementary Statement of Common Ground is provided where additional matters have been agreed between the parties.

5.0 Planning Policy

Statutory Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts and that the determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Statutory Development Plan, against which this appeal will be determined, comprises:
- I. Central Lancashire Core Strategy (July 2012);
 - II. The Preston Local Plan (Site Allocations and Development Management DPD) (July 2015);
 - III. Broughton-in-Amounderness Neighbourhood Plan (August 2018).
- 5.3 The Planning Statement of Common Ground (CD8.12 – Section 4) sets out that the Appellant and Council agree that the scheme complies with the vast majority of relevant policies in the Development Plan.

Central Lancashire Core Strategy

Policy 1 (Locating Growth)

- 5.4 Policy 1 seeks to concentrate growth and investment on well-located sites in Preston. It states:

“(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.”

- 5.5 It is common ground that this is one of the most important policies in this appeal.

Policy 4 (Housing Delivery)

- 5.6 Policy 4 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).

- 5.7 The Council stopped using the figure in Policy 4 of the Core Strategy in January 2020, as “it was considered the introduction and application of the standard methodology represented a significant change in circumstances in Preston, rendering the housing requirement figure in Policy 4, as well as the evidence base which underpinned it, out of date” (CD3.01). I set out in my evidence that the introduction of amendments to NPPF and the publication of new housing need evidence also represents a significant change in circumstances.
- 5.8 It is a matter of common ground that this policy is most important and is out-of-date.

Policy 7 (Affordable and Special Needs Housing)

- 5.9 Policy 7 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 states 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).
- 5.10 Policy 7 also provides support for special needs housing including extra care accommodation provided it is well located in communities. However, this is a broad approach that certainly was not intended to address §60 and §63 of the NPPF; it did not exist when the policies of the development plan were drawn up.
- 5.11 Whilst Policy 7 is not a reason for refusal, it is common ground that it is a most important policy in the determination of this appeal and that the appeal proposals fully accord with it. This is because a key part of the proposals are in respect of affordable housing and meeting newly arising specialist needs. Collectively, the majority of the housing in the appeal proposals are for affordable and specialist housing needs⁶.
- 5.12 I consider Policy 7 to be out-of-date in the same way as Policy 4 is out-of-date in that it does not reflect the more up-to-date assessment of housing needs in the area. In addition, the policy is inconsistent with §60 and §63 of the NPPF in reflecting the needs

⁶ 40% affordable, 10% older people's, minimum 5% 5+ bed homes. Also, 4% of the scheme would be M4(3) wheelchair standard with the remaining 96% M4(2) accessible and adaptable.

of different groups in the community and matters have moved on since Policy 7 was adopted.

Preston Local Plan

Policy EN1 (Development in the Open Countryside)

- 5.13 Policy EN1 states 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.
- 5.14 It is common ground that EN1 is a most important policy in the determination of this appeal.

Policy AD1(a) (Development within (or in close proximity to) the Existing Residential Area)

- 5.15 Policy AD1(a), by reference to the Preston Local Plan supporting text at 4.23, is identified on the Policies Map. The boundaries of Policy AD1(a) around Broughton represent the existing residential area at the time the policy was adopted with areas beyond this being open countryside under Policy EN1. For all intents and purposes it is a settlement boundary policy; the Examiner to the Broughton Neighbourhood Plan also considered it as such⁷.
- 5.16 Development will be permitted provided that it meets the criteria listed below:
- a) *the design and scale of development is sensitive to, and in keeping with, the character and appearance of the area;*
 - b) *there would be no adverse impact on residential amenity, particularly by reason of noise, general disturbance and loss of privacy due to the activity under consideration or the vehicular/pedestrian movement it generates;*
 - c) *the proposal would not lead to an over-concentration of non-residential uses, detrimental to residential character and amenity, and;*
 - d) *the proposal would not lead to an over-intensification of use of the site.*

⁷ §70 of CD4.16

5.17 Policy AD1(a) is a most important policy in the determination of this appeal, however the Council disputes this and its relevance. I consider it is out-of-date because, whilst the text is consistent with the Framework, the boundary has been overtaken by events on the ground and is based upon the housing requirements of Policy 4 which are also out-of-date⁸.

AD1(b) (Small scale development within Existing Villages) (including the development of brownfield sites)

5.18 Policy AD1(b) states that development within villages will also be permitted if it meets the criteria in AD1(a) and favourable consideration will be given to proposals containing measures likely to result in an overall improvement to the environment and amenity of the area.

5.19 I do not consider AD1(b) to be relevant to the appeal proposal as the policy is only applicable to developments within the village boundary. Nevertheless, I consider it out-of-date for the same reasons as AD1(a).

Policy EN4 (Areas of Separation)

5.20 Areas of Separation, shown on the Policies Map, are designated between:

- Broughton and the Preston Urban Area
- Goosnargh Whittingham and Grimsargh
- Grimsargh and the Preston Urban Area

5.21 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.

5.22 It is common ground that Policy EN4 is a most important policy in the determination of this appeal and that the proposals would not conflict with it.

⁸ This approach is supported by Inspector Hayden in Euxton (CD6.20) §48-49

Broughton in Amouderess Neighbourhood Plan

Policy RES1 (Broughton Village – Housing Development Sites as an extension to the defined settlement boundary)

- 5.23 Small-scale housing developments will be permitted on the following sites, as a rounding off of the village form, within an extended village settlement boundary, as shown on the Plan below.
1. 522 Garstang Road - field to front of bungalow – 1.45 ha
 2. Park House and disused former football field to the east and to the south and east of Broughton District Sports and Social Club - 1.5 ha
 3. Land to east and South of Broughton District Sports and Social Club-0.75 ha
- 5.24 Other proposed development within 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.
- 5.25 It is common ground that RES1 is a most important policy in the determination of this appeal.

RES2 (Broughton Village Housing Mix)

- 5.26 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.
- 5.27 It is common ground that RES2 is a most important policy in the determination of this appeal. This is because, like Policy 7, a key part of the proposals are in respect of affordable and meeting a mix of newly arising specialist needs.
- 5.28 Like Policy 7, I consider Policy RES2 to be out-of-date in the same way as Policy 4 is out-of-date in that it does not reflect the more up-to-date assessment of housing needs in the area. In addition, the policy is inconsistent with §60 and §63 of the NPPF in reflecting the needs of different groups in the community and matters have moved on since Policy RES2 was adopted.

Material Considerations

- 5.29 Throughout my evidence, a number of other significant material considerations are relevant to the decision-making process of this application. Some have newly arisen since the previous 2022 decision.

5.30 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 significant weight in the planning balance argument.

National Planning Policy Framework

5.31 The National Planning Policy Framework (NPPF) sets out the overarching planning policies from the Government. The NPPF was last updated on 20 December 2023 and forms the overarching planning guidance in England.

5.32 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.'

5.33 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' (§10).

5.34 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' (§11). Para. 11 states that for plan-making this means that:

- a) *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.35 Para. 11 states that for decision-taking, this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.36 Para. 12 sets out 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. 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.

5.37 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

5.38 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.

5.39 The minimum number of homes required should be informed by the local housing needs assessment, calculated using the standard methodology in national planning guidance (Paragraph 61). The outcome of the standard method is an advisory starting-point.

- 5.40 Paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people (including those who require retirement housing⁹), people with disabilities and people who rent their homes, among others.
- 5.41 Paragraph 70 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.
- 5.42 Paragraph 76 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.

Promoting sustainable transport

- 5.43 Paragraph 109 states that the planning system should actively manage patterns of growth in support of overarching objectives. It elaborates, stating that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.44 Paragraph 114 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a. *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b. *safe and suitable access to the site can be achieved for all users;*
 - c. *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code*
 - d. *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

⁹ This was added to the December 2023 version of the NPPF

Design

- 5.45 The NPPF supports the creation of well-designed places, which shapes sustainable communities that warrants development being acceptable.
- 5.46 Paragraph 135 details the minimum requirements planning policies and decisions should ensure, including:
- *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.*

Heritage

- 5.47 Paragraph 201 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.
- 5.48 '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. 205). This is of particular relevance for Conservation Areas.
- 5.49 Paragraph 207 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...'
- 5.50 Paragraph 212 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'.

Glossary

- 5.51 The NPPF defines 'older people' as: People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Planning Practice Guidance

- 5.52 National Planning Practice Guidance seeks to add further context to the NPPF and it is intended that the two documents are read together.
- 5.53 Paragraph 002 (ID: 63-002-20190626) states that the provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives. Unsuitable or un-adapted housing can have a negative impact on disabled people and their carers. It can lead to mobility problems inside and outside the home, poorer mental health and a lack of employment opportunities. Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their lives. It adds that it is important to plan early to meet such needs throughout their lifetime.
- 5.54 Paragraph 001 (ID: 67-001-20190722) states that whilst the standard method for assessing local housing need identifies the overall minimum average annual housing need figure, it does not break this down into the housing need of individual groups. It encourages plan-making authorities to identify and plan for the housing needs of particular groups of people.

Emerging Central Lancashire Local Plan ('ECLLP')

- 5.55 Central Lancashire started the consultation on Part One (Preferred Options) of the new Local Plan in December 2022. The consultation closed 24th February 2023. Given the early stages of the Plan its policies can be given limited weight, however, I give the latest published housing needs evidence base supporting the production of the new ECLLP significant weight in the planning balance. This is because, as is common ground, the reports provide the most up-to-date picture of housing needs in the area. The DLP Housing Study was presented and agreed to be taken forward by members of Strategic Planning Joint Advisory Committee on 12th September 2022.
- 5.56 Of particular relevance to this appeal is the revised Settlement Hierarchy and the proposed allocation of housing numbers (110 dwellings) in Broughton. This represents the Council's 'preferred approach' to addressing future needs. Arguably it is an aspiration, otherwise why was the document published as 'Preferred Options' and not 'Issues and Options'? There is also an aspiration locally by the parish council (CD8.10) to allocate sites for a total of 200 homes for the next 12/14 years.
- 5.57 Whilst we give significant weight to the underlying evidence base of the eCLLP, we consider that the proposals would not be premature to the emerging Local Plan itself

as it does not meet the limited circumstances identified in para 49 of the Framework. The site is simply not of a scale to undermine the plan-making process. Even if the Council were to advance a prematurity case, this would contradict their approval of unallocated Land at Bartle, Preston, (CD8.07 and CD8.08) for outline planning of up to 1,100 dwellings in open countryside in the context of there being a five year housing land supply.

Recent Council Studies

PCC Housing Need and Demand Assessment (HNDA) (Arc4, December 2022)

- 5.58 This assessment (CD4.09) was prepared on behalf of PCC to provide up-to-date evidence on housing need across all sections of the community over the period 2021 to 2038; the appeal proposals would deliver housing within this period. The report identifies affordable needs, housing mix and housing needs of different groups across Central Lancashire. The evidence set out informs the emerging Central Lancashire joint Local Plan, as well as other strategies, policies and decisions of PCC and its partners. Specific parts of this report are set out later in this Statement in support of the proposals.

Central Lancashire Housing Study (DLP Planning / Edge Analytics, September 2022)

- 5.59 This Housing Study (CD4.10) identifies the level and proportional split of future housing needs across the three boroughs within Central Lancashire (Chorley, Preston and South Ribble) for the period 2023 to 2038, comprising the sum of individual figures the constituent local authorities. The appeal proposals would deliver housing within the study period. Specific parts of this report are set out later in this Statement in support of the proposals.

Relevant Appeal Decisions and Legal Judgments

- 5.60 My evidence refers to a range of relevant appeal decisions as set out in Core Documents 6. The documents are prefaced with a note explaining the relevance to the issues arising in this appeal with the relevant paragraphs flagged up.
- 5.61 My evidence refers to several relevant legal judgments as set out in Core Documents 7.

6.0 Compliance with Development Plan Policies

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The Council refused planning permission for a single reason citing three separate policies within the adopted development plan.
- 6.3 This section therefore assesses the following:
1. How the proposed development complies with the most important planning policies in this appeal;
 2. The proposed development does not conflict with the Council's adopted spatial strategy as outlined in Policy 1 of the Central Lancashire Core Strategy; and,
 3. The impact of development within the defined open countryside adjoining Broughton in respect of Policy EN1 of the Preston Local Plan and Policy RES1 of the Broughton Neighbourhood Plan.
- 6.4 This section presents my evidence and case to these considerations.
- 6.5 The weight to be given to conflict with any policy, up to date or not, is a matter solely for the decision maker on the basis of specific material considerations.

Policy 4

- 6.6 Whilst Policy 4 is not a reason for refusal, it is common ground that it is a most important policy in the determination of this appeal and is out-of-date. It is an important consideration for this appeal as it is the key policy of the adopted development plan which sets out the housing requirement for the borough. The policy had a principal role in determining how much housing was needed and thus informed the number and scale of housing allocations and where they should go. In fact, it is common ground that not just the policy is out-of-date, but the housing needs evidence underpinning it is also out-of-date. This brings me to the conclusion that the outdatedness and age of such an important policy has undoubtedly infiltrated the rest of plan and its policies. Thus, I believe the more recent evidence published by the Council on housing needs should be given significant weight. Indeed, it is common ground that the latest published housing needs evidence base supporting the production of the new ECLLP provides the most up-to-date picture of housing needs in the area. It shows that needs

have transformed and new previously unidentified housing needs have emerged. This appeal proposals positively respond to this.

- 6.7 In addition, the development plan through Policy 4 does not assess and reflect housing needs across different groups now recognised by §69 of NPPF. The plan, and hence the spatial strategy, was adopted at a time when the needs of different groups was not known, quantified and reflected in policies and allocations. Whilst I do not argue that the remaining policies are out-of-date, however the out-datedness of such a key policy in meeting needs across the plan period does have an effect on how heavily stringent the spatial policies should now be applied to this appeal proposal given they, as the Council does, will act as a constraint on meeting specific needs that are now known. Whilst the policies may not act as a constraint on the ability of Preston to accommodate the low advisory LHN figure given the five year (general) housing supply position, but it would constrain its ability to meet specialist needs which the appeal proposals seek to deliver.
- 6.8 It is common ground, through an amendment to the SoCG by the Council's planning policy officer, that existing sites with permissions in the open countryside (and not yet developed) will be taken forward as allocations in the eCLLP. Whilst the progress and shape of the eCLLP is for the Council, this does support my concern that there is very limited chance of these existing permissions (or windfall development) will meet any of the newly arising needs set out in the most up-to-date housing studies, as they pre-date the emergence of the latest housing evidence. Therefore, without bespoke schemes like the appeal scheme coming forward, it is unlikely any of these specialist new housing needs will be met anytime soon before, or even after, the adoption of the eCLLP which has already been delayed several times. The latest revisions to NPPF in December 2023 further supports the need for Councils to ensure the needs of groups with specific requirements are met.

Policy 1

Performance of the Spatial Strategy

- 6.9 The purpose of defining tiers of settlements within a spatial development strategy is to encourage a pattern of development across a plan area to promote sustainable growth as well as protect the character of rural settlements and areas.
- 6.10 In the case of Preston and the wider Central Lancashire area, Policy 1 sets out the basis to deliver on the plan's objectives to focus growth and investment on brownfield sites and Strategic Locations. The Core Strategy was adopted in July 2012 and its

preparation (including the settlement hierarchy) was undertaken years prior; a publication version was published in December 2010 and submitted to the Secretary of State on 31 March 2011. The Government published the first National Planning Policy Framework on 27 March 2012. At the time of the plan's adoption the strategy was to both encourage urban regeneration and target settlement expansion areas such as the North West Preston Strategic Location. Lower order settlements are then apportioned 'some' or 'limited growth and investment' through the defined tiers.

6.11 The CLCS explains the meaning of Spatial Vision as 'The overall vision for an area that sets out how it should be at a date in the future' (CLCS Glossary). The Plan period is 2010-26 and we are now nearly 14 years into the plan with 2 years remaining. It is an important factor to consider whether the Plan has been successful through the adopted policy of meeting the targets.

Location of housing completions 2012-2020

Location	No. of dwellings completed 2012-2019	% of dwellings completed 2012-2019	Central Lancashire target (%)
Preston/ S Ribble Urban area <i>*(within strategic sites and locations)</i>	4,740 (1,790)	46.3% (17.5%)	48% (25%)*
Buckshaw Village	1697	16.6%	10%
Key Service Centre	2,451	23.9%	25%
Urban Local Service Centre	1,755	17.1%	9%
Rural Local Service Centres and elsewhere	1,407	13.7%	8%
Total	10,234	100%	100%

* Included within 48% for Preston/South Ribble UA

Figure 1 – Extract from Core Strategy Monitoring Report (CD4.13)

6.12 According to the Central Lancashire Core Strategy Monitoring Report (CD4.13) approximately 63% of all development has taken place within the priority Strategic Locations and urban area Buckshaw village against the target of 60%. Key service centres of Longridge, Chorley and Leyland/Farington have then attracted 23.9% of growth against a target of 25%. In combination, Urban Local Service Centres and Rural Local Service Centres with 'other places' have then attracted 17%. The Core Strategy performance monitoring framework (Appendix D of Core Strategy) includes a flexible trigger allowance of +/- 20% variance from distribution of development before considering a review of the policy.

6.13 Therefore, over the plan period, the spatial strategy is generally achieving its objective in directing the majority of growth towards higher order settlements despite being significantly helped by the granting of development contrary to EN1 as well as a period of windfall development when the LPA could not demonstrate a five year housing land supply. The appeal proposals do not individually or cumulatively affect the success or outcome of the focus and direction of the policy. There is therefore very limited effect to the overall spatial vision caused by the proposals of 51 dwellings which represents only 0.6% of the minimum adopted housing requirement for Preston (507 dpa).

Exceptions Permitted by Policy 1

6.14 CLCS Policy 1 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"* (My emphasis added).

6.15 It is therefore clear that the appeal proposals are not automatically prohibited by the policy if they are not considered 'typical'. The Council argues in this appeal that there are two tests to Policy 1, that development must be 1) 'small-scale' **and** 2) meet the other criteria. A clear reading of the policy does not say that, nor is this how it is being applied at the local level through the adoption of the BNP, its allocations, and through applications. For example:

- The Broughton Neighbourhood Plan explicitly allocates small-scale sites (see §8.5.11 of CD4.07) but none of the greenfield allocations individually meet all the criteria under Policy 1;
- The Officer Report on 'A Touch of Spice, Broughton' recommended approval, finding accordance with Policy 1 as, despite not considering the development as small-scale in isolation, it was considered infill which met one of the other criteria (§3.6 of CD8.02);
- The Officer Report for 38 dwellings at Park Lane, Broughton, recommended approval despite not considering the development as small-scale (§3.6 of CD8.04);
- The Officer Report for 80 dwellings and a care home at Preston Road, Grimsargh, recommended approval despite not considering the development as small-scale, infilling or conversion of buildings (§3.6 of CD8.06);

- o The Officer Report for 44 dwellings at Whittingham Lane, Broughton, recommended approval despite not considering the development as small-scale, infill or conversion (§3.6 of CD8.09).

6.16 It does not make sense that a development must be small scale **and** infill **and** conversion of buildings **and** meet a local need. Developments do not need to meet every single criteria; supported by the fact that the made BNP allocates sites in accordance with the Core Strategy which are not conversion of buildings nor were the approved planning applications of these allocations considered to be 'small-scale' by officers¹⁰.

6.17 Any argument to the contrary would mean the BNP is not in accordance with the Core Strategy and Local Plan which would raise legal concerns.

6.18 Even in situations where conflict with Policy 1 has been found by officers, the conflict is not determinative of the decision. This is recognised by the officers assessing the applications of the BNP allocations, as above.

Broughton Neighbourhood Plan accordance with Core Strategy and Local Plan

6.19 Policy RES1 allocates three sites within the Plan area, in accordance with the Core Strategy and Local Plan, all of which are outside the settlement confines originally set by the Local Plan (see Table 7 below). These are:

Site	Size	Dwellings	Status
Land off Whittingham Lane	3.9 acres	44 dwellings	06/2022/0018 – Full Application (Approved)
Land at Park House	1.55 acres	30 dwellings	06/2017/1104 – Full Application (Approved)
Land in front of 522 Garstang Road	0.38 acres	No application submitted	

Table 7 – Sites Allocated within BNP

6.20 In the identification of suitable sites, the BNP states that the allocations represent 'small scale housing developments' which 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

¹⁰ It is common ground that the planning officer determining Whittingham Lane (an allocation in the BNP) did not consider the proposals to be 'small-scale' but still recommended approval (CD).

8.5.11 of the BNP). Clearly, 'small scale' is being interpreted and applied with flexibility at the local level not just by the parish council in making the BNP allocation but also PCC in approving 44 dwellings and 30 dwellings outside of the settlement boundary in Broughton and it is common ground these allocated sites lie within the Area of Separation and Open Countryside.

6.21 The Council argues the appeal site is not small scale. The Council refers to the Town and Country Planning Development Management Procedure Order 2015 (as amended) which categorises the site as 'major development'. However, several points arise:

- There is no definition in the development plan or national policy as to what 'small scale' is.
- 'Major development' does not mean 'large scale'. There is a scale going from small to medium to large as recognised by the fact the appeal site has developer interest from SME companies only (Appendix 5, 6, 13 and 14), and would not appeal to large national housebuilders¹¹.
- The allocations in the BNP would also be 'major development'.
- The BNP was independently examined, found to be in accordance with the policies of the Core Strategy and Local Plan, and approved to be made by the LPA.
- It is a matter of common ground that the BNP allocates site in accordance with Policy 1 (requiring small-scale) and it is common ground the appeal proposals would be a similar scale to the allocations of the BNP.
- The BNP explicitly states the allocations are considered 'small-scale'.
- Approved applications around Broughton which are not considered 'small-scale' are being determined by officers in a flexible way (e.g. the approval of 44 dwellings).
- Context is also important. For example, the speculative windfall development approved in open countryside for 1,100 homes within the LPA area is certainly large-scale. The appeal proposals are in no way similar in scale to that.

¹¹ Confirmed by a local independent RICS agent (Appendix 15)



Figure 2 – BNP page 24

6.22 I consider that the proposals are similar scale to the BNP allocations and, as the BNP must be in conformity with the Core Strategy, the allocations and the appeal scheme are 'small-scale'. I do not consider the scheme large scale.

6.23 The exceptions of Policy 1 also allow for proposals which are infill and meet a local housing need. There is no definition in the development plan or national policy as to what a local need is. It could mean needs in a local authority area, or in a smaller neighbourhood, or across a market area such as Central Lancashire. What may be local to one person, may be far for another. I set out my arguments for infill under Policy EN1 below and my arguments on local housing need under the benefits of the proposals.

Broughton as a Sustainable Settlement for Growth

6.24 Central to my case is that the settlement of Broughton is a sustainable location for growth which has evolved through the current plan period as a result of developments which have been approved and local facilities improvements.

6.25 Whilst Policy 1 seeks to direct growth, it does not prescribe targets, or limits, to developments in specific settlements (or types of settlement) and it permits specific sites to be brought forward for different or larger scale developments beyond those the policy sees as more 'typical' in such areas. Whilst the Core Strategy directs 8% of growth to 'Rural Local Service Centres and elsewhere' this is in the context of the

housing requirement being a minimum; additional development is not automatically harmful.

- 6.26 A similar situation was observed in an appeal for a residential development scheme in Alfold (CD6.01). This appeal decision assessed a spatial policy and the absence of capping development numbers in specific settlements.
- 6.27 The policy in question, like CLCS Policy 1, sought to prioritise development in higher order settlements and allowed for 'limited' growth in lower order settlements. However, the Policy placed no cap or upper limit, leaving opportunities for interpretation and justification of development.
- 6.28 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 breach¹².
- 6.29 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.
- 6.30 Turning to Broughton and the Core Strategy, as with the case in Alfold, CLCS Policy 1 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 **minimum** housing target and a requirement of PCC to meet this. Whilst there is supporting text 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. This is not surprising as the CLCS examining Inspector Hollox made clear that the requirement was a minimum in his Report (§48 of CD4.02).
- 6.31 Using the same logic that Inspector Stephens applied, means that even though Broughton is at the lower end of the settlement hierarchy, it does not mean that the appeal site automatically equates to unacceptable or unsustainable growth or, indeed, harm given the lack of specific targets (or caps) to Broughton in the policy.
- 6.32 Furthermore, CLCS Policy 1 only states that development in other rural areas should 'typically' (therefore, not always) be 'small scale'- but, as with Alfold, the plan is silent on the quantity of such development within Broughton. Given the absence of any

¹² §25-28 of CD6.01

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 within sustainable lower order settlements and the consideration of specific harm or impacts and consequent benefits brought by any particular scheme. This is the approach the Council has taken on other windfall developments irrespective of whether there is or is not a five year housing land supply.

- 6.33 Relevant assessments on development in lower order settlements were also made by Inspector Edwards in an appeal in Benger (CD6.02). The development sought consent for 21 dwellings on land outside the defined settlement boundary. In his decision allowing the appeal, 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"*.
- 6.34 Inspector Edwards 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 in my evidence that the settlement presents a sustainable village capable of accommodating growth. As such, the proposals would add a new mixed population to the community and help support and sustain the businesses and services that exist within Broughton village, thus complying with paragraph 79 of the Framework.
- 6.35 Comparable arguments around the location of growth were also noted by Inspector Vyse in an appeal in Clifton (§16 of CD6.03). In their assessment of the proposals, Inspector Vyse acknowledged the changing nature of Clifton. They also confirmed that *"growth is a characteristic of the settlement"*, acknowledging that Clifton had been subject to a number of recent 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"*.
- 6.36 Regarding Broughton, whilst Inspector Manning concluded¹³ (when considering the Sandy Gate Lane appeal for 97 houses), that *"it is very apparent that Broughton has expanded beyond its early nuclei"*, in line with conclusions of Inspector Vyse, it is our view that this development would not materially harm the overall character of the area. This is not disputed in the committee report of this appeal where it is concluded

¹³ CD6.04

... “As such, it is considered the effectiveness of the Area of Separation gap would be maintained and the identity and distinctiveness of the village preserved.” Indeed, it is also common ground that the proposals would not cause landscape harm and are well-contained.

6.37 Recent local appeal decisions considering the same matters can further add to the legitimacy of drawing specific conclusions. In this regard as well as reinforcing the point above, the appeal decisions at Key Fold Farm/Sandy Gate Lane¹⁴ are also key to assessing material considerations in relation to the conflict with the adopted spatial strategy.

6.38 Whilst those decisions were reached against the backdrop of the tilted balance, the magnitude of the conflict with spatial policies and the impacts on the open countryside in comparison to these appeal proposals were also substantially greater. Those appeals in Broughton were not small-scale under Policy 1.

6.39 Inspector Manning in grappling with the conflict with the spatial strategy concluded:

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

¹⁴ CD6.04 and CD6.05

necessarily unsustainable in planning terms, not least in view of the definition of sustainable development set out in the Framework at paragraph 6.

6.40 Inspector Manning then turns to considering whether the particular proposals in question lead to unsustainable development (which they did not) which he was entitled to do in recognition of the relevant factors of the site location and settlement credentials. I agree with this approach.

6.41 Unfortunately, despite this appeal context in Broughton, the Council does not agree and contends the appeal proposals are not in the right location¹⁵ although it is common ground that there is no accessibility reason for refusal and the appeal site has access to a wide range of services, facilities and choice of transport modes within walking distance. The level of growth within Broughton through the plan period is testament to the capacity and credentials of the settlement to sustain growth sustainably. Table 3 below outlines how Broughton's growth compares with the growth of other higher order settlements. My view is that Broughton has been able to sustain more or less the same, if not more, growth than many higher order settlements.

Settlement	Population growth over the last 10 years ¹⁶	Number of dwellings approved over the plan period ¹⁷
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		320 ¹⁸

Table 3 - Data showing settlement growth

¹⁵ §7.6 of Council SoC

¹⁶ Source – 2021 Census Data

¹⁷ Up to submission of outline application in January 2023. Source Council websites

¹⁸ Estimated figure calculated looking at only those schemes approved within or adjacent to the settlement boundary as per Broughton Neighbourhood Plan's boundary.

6.42 In the Broughton appeals, Inspector Manning outlines the sustainability credentials of Broughton and the site's location in relation to key facilities and services:

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.

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. Often 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 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.

6.43 In their assessment of development of the appeals before Inspector Manning, initially, PCC 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, PCC withdrew their objection relating to the suitability of Broughton as a sustainable location for growth.

- 6.44 It is unclear, therefore, why the Council has sought to place such significant weight on the alleged conflict with Policy 1 in the context of the evidence in this specific appeal which essentially lies between the two sites considered by Inspector Manning.
- 6.45 The conclusions of Inspector Manning are important material considerations in the determination of this appeal. It has been confirmed that Broughton constitutes a sustainable location which is capable of accommodating residential growth. The Council tries to distance its case from these appeal decisions by downplaying its relevance by stating they were allowed simply because the LPA could not demonstrate a five year housing land supply¹⁹. However, as is clear above, the appeal decisions of land west and east of the appeal site were allowed because of many other reasons; the sustainability of Broughton being one and the lack of harm arising from the application of Policy 1. The lack of a five year housing land supply does not make proposals in unsustainable locations, sustainable.
- 6.46 Indeed, even since these appeal decisions, Broughton has undergone a transformation in terms of a new highway layout, bus stop upgrades and public realm on Garstang Road and the Broughton Bypass has opened. The decisions also predated the opening of the new M55 junction which increases the capacity and sustainability for growth in the area, including Broughton. Indeed, the Core Strategy explicitly recognises the purpose of the Broughton Bypass, linked to funding from the City Deal, was “...*the only practicable means of removing through traffic out of the village and to provide the necessary additional network capacity to support any further development which adds traffic to the A6 Broughton crossroads.*”²⁰ There has also been the opening of the new large Co-op store in Broughton and the opening of the renovated Toll Bar Community Café. So in many respects, Broughton has become even more sustainable since Inspector Manning made his decision.
- 6.47 In addition, Broughton is the only settlement outside of the city to accommodate a secondary school or college (see Appendix E of the PLP). It is common ground that Broughton High School has an Ofsted rating of ‘Outstanding’ and its geographical priority area for admissions are those living in Broughton. It is also common ground that appeal proposals would help negate the need to travel to school by car being only 700m walking distance from the site and the financial contributions secured by

¹⁹ §2.3 of Council's SoC

²⁰ §3.31 of Core Strategy

obligation, and agreed with the County Council, would ensure infrastructure can be increased and improved²¹.

- 6.48 In the justification text to Policy 1, definitions of the tiers of settlements are provided to explain the basis for settlements being characterised in the adopted strategy. For Local Service Centres para 5.52 explains:

Those Local Service Centres that are close to the Key Service Centre towns of Chorley and Leyland, which are more urban in character, are distinguished from Local Service Centres in more rural locations. Urban Local Service Centres benefit from short transport connections with services in the nearby towns. Rural Local Service Centres serve their own residents and those in nearby villages with basic services and are well placed to provide for future local housing and employment needs. Good access to services is essential if rural communities are to survive and prosper.

- 6.49 Para 5.53 then outlines the characterisation of what constitutes 'Other Settlements':

Outside of the main urban area and service centres, there are many smaller settlements. In the interests of sustainable development, growth and investment should be confined here to small scale infill and the change of use or conversion of existing buildings, in accordance with Policy 13 – Rural Economy. Affordable housing development of an appropriate scale on the edge of a rural settlement to meet a particular local need may be justified in accordance with national planning policy.

- 6.50 Clearly the settlement of Broughton has been overtaken by events and is now at odds with this definition within the current development plan since its adoption in 2012. To further exemplify this we have provided a comparison of Broughton with other Central Lancashire settlements considering what facilities/services are available. This looks at:

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

²¹ The Council has tried to argue that it is relevant to the inquiry that the high school and primary school in Broughton are currently at capacity. However, capacity of a school is never a constant and changes at least annually. Occupants of new homes on the appeal site would have first priority for admissions. It is also not a reason for refusal.

Settlement (settlement hierarchy tier)	School	Places of worship	Health Care facilities	Pubs/restaurants	Convenience retail	Leisure Facilities
Broughton (Smaller villages - 1 (f))	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 (Rural Local Service Centre – 1 (e))	Pre-school	St Lawrences Church	No	The Sparling	No	Barton Manor Hotel
Brinscall (Rural Local Service Centre – 1 (e))	Pre-school	Hillside Methodist Church	No	Cricketers Arms	No	Brinscall Swimming Pool
Churchtown (Smaller villages - 1 (f))	No	St Helen's Methodist Church	No	Horns Inn	No	No
Goosnargh & Whittingham (Smaller villages - 1 (f))	Primary school	St Mary's Church	No	The Stag's Head	No	Tennis Club
Hoole (Smaller villages - 1 (f))	Primary school	Hoole Wesleyan Methodist Church,	No	San Marco	No	No
Woodplumpton (Smaller villages - 1 (f))	Yes- primary school	St Anne's Church	No	The Wheatsheaf	No	No

Table 4 - Comparison of services in various settlements

- 6.51 The table above demonstrates that Broughton as a settlement has a wider range of amenities and services available to local residents when compared to other Preston settlements assumed to be within the same tier (or in the case of Brinscall and Barton, the tier up) of the adopted Settlement Hierarchy. 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.
- 6.52 Whilst it is noted that the appeal site lies outside the village boundary, 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 and proposals still accord with the underlying rationale of the Policy to direct housing to more accessible and sustainable settlements (as was the approach of Inspector Manning).

6.53 Future residents of this scheme would have access to a good range of services and amenities within Broughton and the walking distance to these is appropriate and acceptable. It is common ground that Broughton has a range of services and facilities within walking distance which are set out in Table 5 below, which is also agreed.

Service / Facility	Walking Distance (walking time)
Guild Wheel cycle way	55m (1 minute)
Premier Convenience Store	85m (1 minute)
Bus stops (Garstang Road north of site)	235m (3 minutes)
Maidenhead Aquatics	235m (3 minutes)
Toll Bar Cottage Café	260m (4 minutes)
Bus Stops (Garstang Road south of site)	270m (4 minutes)
Broughton Park & Playground	270m (4 minutes)
Marriott Hotel	320m (4 minutes)
Texaco Petrol Station	350m (5 minutes)
The Foot Room	380m (5 minutes)
KipMcGrath Education Centres	385m (5 minutes)
Susie Q Photography Studio	420m (5 minutes)
Royal Beauty Salon & Training Academy	450m (5 minutes)
Bella Maria Italian Restaurant	460m (5 minutes)
North West Ambulance Service NHS	460m (5 minutes)
The Broughton Inn Pub & Dining	465m (5 minutes)
Broughton & District Sports Club	500m (6 minutes)
Broughton Scout Hall	500m (6 minutes)
Co-op Convenience Store	520m (6 minutes)
Allan's Barbers	525m (6 minutes)
Kinders Service Station	550m (6 minutes)
Sota Salon	560m (6 minutes)
Parish Church of St John Baptist	600m (7 minutes)
Broughton C of E Primary School	650m (7 minutes)
Broughton High School	700m (7 minutes)
Broughton Dental Surgery	850m (8 minutes)
First Trust Hospital	1,185, (16 minutes)
Ribblesdale Garden Centre & Nurseries	1,626m (21 minutes)

Table 5 –Site Proximity Local Services and Facilities (not exhaustive)

- 6.54 In line with the decision made by Inspector Manning, it is considered that this type of development can succeed in enhancing and promoting the sustainability of facilities within the village. In addition it has been concluded by other Inspectors in previous decisions²² that Broughton comprises a sustainable location and so is capable of accommodating residential development. Furthermore, development on this site would comply with paragraph 83 of the Framework by supporting the services within Broughton. These considerations are material in reaching a judgement of the weight to be given to any conflict to Policy 1, and it is the my case that it would significantly reduce the weight to any conflict.
- 6.55 As was discussed by Inspector Manning, growth not envisaged by the adopted spatial strategy is not inherently unsustainable and harmful – this is evident by the number of sites approved by the Council and appeals allowed regardless of whether there is a five year housing land supply or not. It falls then to a consideration of the sustainability of the proposals in all respects to then determine that appropriateness. It is testament to Broughton's credentials, that housing has previously been permitted evidencing the sustainability of the settlement and capacity for growth.
- 6.56 This however is not PCC's current case to this appeal and they suggest the location of the proposed development is not suitable as it does not accord with the direction of growth as outlined in CLCS Policy 1 but appears to ignore or undervalue the material considerations in my evidence. 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. It is simply not enough for the Council to allege conflict with a policy without demonstrating how the proposals interact with that policy and how much weight to give the harm arising from any conflict. Nor is it appropriate, without justification, for the Council to ignore the determination of an Inspector on this specific key point, especially on sites immediately adjacent to the proposals.
- 6.57 Inspector Bristow allowed an appeal in Cotfold St. Luke for up to 80 new homes (CD6.08) despite the site being in open countryside and the Council demonstrating a five year supply. He acknowledged:

36. If there is no tangible harm in terms of the location of a given development in respect of accessibility, allowing a proposal would not undermine a plan-led spatial hierarchy in any meaningful way. Both the overall aim of delivering 17,000 new homes and 250 additional dwellings at Minor Rural Centres are expressed as minima

²² §34 of CD6.24

in the Core Strategy. The proposal would not conflict with those provisions numerically.

6.58 As in this case, where the Council alleges conflict with the locational requirements of Policy 1, Inspector Bristow found:

40. ...Consequently although the site is not an acceptable location for the development proposed by virtue of conflict with Core Strategy policy SP1, any harm resulting from that conflict carries only limited weight.

6.59 The approach of determining whether there is conflict with a policy and then assessing the extent of harm arising from any conflict, is not an approach the Council appears to have taken. Instead, the Council has automatically given significant weight to a perceived conflict.

Emerging Local Plan Settlement Hierarchy

6.60 Furthermore, PCC's position of how it now considers Broughton in the settlement hierarchy is apparent as a result of the publication of the ECLLP (Part 1 - Preferred Options) which shows the Council's own current views on how the settlement performs within the settlement hierarchy.

6.61 In the ECLLP, the settlement hierarchy has been revisited through the revisions to the Spatial Strategy. Table 1 of the ECLLP (CD5.02) positions Broughton in Tier 4 (a Local and Rural Centre) with a proposed allocation of 110 dwellings. I have no doubt that the proposed allocation of a further 110 dwellings in Broughton by the Preferred Options documents represents an aspiration for growth by the Council. In my view, this re-positioning of Broughton recognises the substantial change that has occurred in the settlement since the adoption of the CLCS in 2012 and supports the evidence put forward in this appeal and supporting documents.

6.62 Broughton (as a current Policy 1 (f) settlement) will be categorised the same as settlements such as:

- Higher Walton (currently Policy 1 (a) settlement)
- Longton / New Longton (currently Policy 1 (e) settlement)
- Ecclestone (currently Policy 1 (e) settlement)

6.63 The re-categorisation and associated draft housing allocation signify a distinct change in the treatment of Broughton compared to the adopted Development Plan position

and highlight the evolution of Broughton as a settlement, and the suitability and sustainability as a location for growth.

6.64 Furthermore, the significance of Broughton's elevation within the proposed hierarchy would also see the settlement excluded from the list of lower order settlements where specific rural policy restrictions and character would apply (ECLLP Reg 18 draft page 35 Policy 4, criteria 2).

6.65 Whilst the publication of the ECLLP accepts there is a positive change in Broughton, as the plan is only at Regulation 18 consultation stage we accept that policies can only be given limited weight. However, the up-to-date evidence base can still be given weight in the determination of this appeal. It must be acknowledged that the Council accepts Broughton is now more sustainable than at the time Policy 1 was adopted and can sustain further growth particularly given the Part 1 – Preferred Options was approved for consultation by the Council at committee.

Summary of Policy 1

- Policy 1 does not automatically prohibit atypical development; there are several exceptions allowed. There is no cap to development in Broughton.
- The appeal proposals are considered small scale as they are similar in scale to the allocations of the BNP which must be in accordance with Policy 1
- The proposals are also considered infill and will meet a local need.
- Policy 1 was adopted in 2012; Broughton has evidently changed significantly since then which is a material consideration.
- The purpose of the settlement hierarchy is to promote sustainable growth. Broughton is a sustainable settlement with a wide range of services, facilities and sustainable transport options, as concurred by other Inspectors.
- The appeal proposals would have barely any effect on the overall spatial vision of directing growth to higher order settlements.
- Growth not envisaged by the spatial strategy is not inherently unsustainable and harmful.
- The emerging Local Plan recognises the sustainability of Broughton.
- The appeal proposals accord with Policy 1. If there is found to be conflict, then I consider the extent of conflict/harm is limited due to the material considerations set out.

Policy EN1

6.66 As part of the RfR, PCC stated that the proposed development would not accord with the 'type of development deemed permissible in the open countryside under Policy EN1 of the PLP and Policy RES1 of the BNDP'. Policy EN1 states:

Development in the Open Countryside, as shown on the Policies Map, other than that permissible under policies HS4 and HS5, will be limited to:

a) that needed for purposes of agriculture or forestry or other uses appropriate to a rural area including uses which help to diversify the rural economy;

b) the re-use or re-habitation of existing buildings;

c) infilling within groups of buildings in smaller rural settlements.

6.67 It is common ground that the spatial strategy does not seek to protect the open countryside for its own sake.

6.68 Policies EN1 and RES1 as mechanisms to control the type and character of development in environmentally sensitive or rural locations must also be read alongside Policy 1. Policy 1 makes allowances for exceptions and developments not assumed to be typical for the settlement presently. This represents a tension between Policy 1 and Policy EN1.

6.69 The supporting text to Policy EN1 states "*It is important that the Areas of Open Countryside are protected from unacceptable development which would harm its open and rural character*". Therefore the purpose of EN1 is to seek to protect harm to the open and rural character. It is common ground that the landscape and visual harm arising from the appeal proposals would be mitigated and that the role, function and purpose of the wider countryside would be maintained. This demonstrates that conflict with a policy does not automatically mean significant planning harm arises.

Infill Development

6.70 As above, policy EN1 is permissible of development if it constitutes infilling "*within groups of buildings in smaller rural settlements*". Smaller rural settlements is undefined.

6.71 At the 5th November 2020 meeting of PCC's Planning Committee, a planning application (Reference: 06/2018/1157) for the development of 30 dwellings on land adjacent to 329 Preston Road, Grimsargh, was determined. The application was

approved, with the following reason cited and minuted (CD8.03) to justify PCC's decision in that case:

The village has been extended in the past, to the south of Preston Road, and therefore it is not considered that this development would result in a further extension of the village into Open Space. The development would constitute infill development, and would provide affordable housing. The benefits of the development would outweigh the conflict with the Development Plan.

- 6.72 It is notable that PCC made its decision on this basis. Upon review of those proposals, we consider the appeal site more accurately represents an infill site than in that case. The site determined by the Council to constitute infill is shown edged red on the aerial photograph at Figure 3 below.



Figure 3 - 06/2018/1157 Site Plan

- 6.73 The particular growth around south Broughton has been more significant and this has had the effect of containing the appeal site more successfully. There is no definition in the development plan of what 'infill development' is however it is common ground that Policy EN1 states infilling is "*within groups of buildings in smaller rural settlements*". The appeal site is within groups of existing and new buildings; in my view it is surrounded by groups of buildings.
- 6.74 The Council's justification of whether a scheme does or does not represent infilling is summarised in the Officer's Report to 'A Touch of Spice' at 521 Garstang Road (CD8.02). The application proposed 52 apartments and found that "*the development*

would represent infilling between existing development along Woodplumpton Lane, and adjacent to existing development on Garstang Road". The officer found that the development would also "be within two substantially built up frontages". By comparison, the appeal site would also be located between existing development to the north along Garstang Road, to the west by development under construction, to the east by development under construction and to the south by properties associated with Bank Hall Farm. The appeal proposals would be within several built up frontages. The approach aligns with the wording of Policy EN1.

- 6.75 Whilst I consider the proposals to constitute infill and therefore accord with EN1, if the Inspector disagrees, then I consider the well-contained nature of the site should be a factor in limiting any conflict with EN1.

Council approval of schemes contrary to EN1

- 6.76 It is common ground that they have also allowed development contrary to EN1 highlighting an inconsistent basis in its own application of these policies when doing so against the 'flat balance' irrespective of the five year housing land supply position.
- 6.77 The Council's approval of unallocated land at Bartle, Preston, (CD8.07 and CD8.08) for outline planning of up to 1,100 dwellings in open countryside was in the context of there being a 13.6 year housing land supply. This approval of a very substantial windfall development is at odds with the Council's contention that the appeal proposals automatically contribute harm because it leads to "unplanned expansion"²³ despite it being common ground that the proposals are 'well-contained' and any landscape harm on the site would be mitigated by the site specific conditions and mitigation proposed²⁴. The officer report for the Bartle development stated "*the proposed development would be located in an area of Preston where the open and rural character of the open countryside would fundamentally change due to the completion of the PWDR, which would alter its role, function, purpose and appearance, hence the visual impact of the proposed development would be limited*". The context around the appeal proposals has also fundamentally changed due to the developments west and east. The site in short is, at best, a very ordinary piece of land on the edge of the urban area.
- 6.78 In these circumstances, I cannot see what is so harmful if the appeal proposals are meeting a specific, newly identified housing need, not being met by the adopted

²³ §7.2 of Council's SoC

²⁴ §4.22 SoCG

development plan (with its key housing requirement policy, Policy 4, being out-of-date) and which will unlikely start to be met in advance of a new Local Plan which is some years away.

Summary of EN1

- Policy EN1 limits development to certain criteria, including infilling within groups of buildings;
- The appeal proposals lies within groups of existing and new buildings on all sides;
- The appeal proposals constitute infill development more than other sites approved by PCC which are far less contained;
- The Council have approved significant development elsewhere contrary to EN1;
- If there is found to be conflict with EN1, then I consider the extent of conflict/harm is limited due to the well-contained nature of the site.

Policy AD1(a)

6.79 Policy AD1 (a) is shown on the Preston Policies Map (CD4.06) as covering the settlement area of Broughton. The supporting text defines the 'Existing Residential Area' as that on shown on the policies map²⁵; it is not defined in policy. The appeal proposals are in close proximity to the existing residential area of Broughton and therefore the policy is relevant to this appeal. The appeal proposals do not conflict with any of the criteria in AD1 (a). In addition, the residential area of Broughton defined by AD1 (a) on the Policy Map has extended beyond AD1(a) since the Core Strategy was adopted. In other words, it does not represent the situation on the ground as shown by Appendix 9.

6.80 The Council allege no conflict with AD1(a) but at the same time do not consider it relevant to the appeal proposals because they say AD1(a) is relevant only to sites adjoining Preston city and it does not apply to rural settlements such as Broughton. They say Broughton is covered only by AD1(b) instead. The Council would therefore not agree that AD1 (a) is relevant to the appeal proposals in the Statement of Common Ground. I completely disagree for several reasons:

1. The development plan should be capable of being read clearly by a member of the public who picks it up. It should not require complex interpretation. The

²⁵ §4.23 of Preston Local Plan

policy does not say "Development within (or in close proximity to) Preston". It says "...within (or in close proximity to) the Existing Residential Area". 'Existing Residential Area' is undefined so I read it plainly and I consider Broughton settlement is an existing residential area.

2. The supporting text to Policy AD1(a) also states at §4.24, "*All development proposals within the existing urban area of Preston, or in close proximity to an existing residential area, will be expected to comply with Policy AD1(a).*"
 3. To check what an existing residential area is, a layman picking up the development plan may then refer to the Policies Map which is located online. Policy AD1(a) is clearly shown adjoining the site and so is in close proximity to the existing residential area.
 4. Not only is AD1(a) shown immediately adjacent to the site on the online policies map, but also the physical versions of the Policies Map.
 5. The boundary of AD1(a) also aligns perfectly with the boundary of EN1. There is no overlap. The creation of AD1(a) on the policies map at Broughton therefore appears intentional, not accidental.
 6. In addition, the treatment of AD1(a) by the Council's own Senior Planning Officers is that AD1(a) is applicable to Broughton. The Officer's Report (CD8.02) for 'A Touch of Spice, 521 Garstang Road' (Ref: 06/2020/1144) assesses the application against Policy AD1(a) and AD1(b).
- 6.81 Part 9(1)(c) of the TCP (Local Planning) Regulations 2012 states that the policies map must "*illustrate geographically the application of the policies in the adopted development plan.*" Part 9(2) states that "*where the adopted policies map consists of text and maps, the text prevails if the map and text conflict*". I do not consider there to be any conflict here because the policy does not refer to any settlement specifically.
- 6.82 I therefore consider Policy AD1(a) covers all existing residential areas including villages. Development within village boundaries are also covered by AD1(b). The Council's planning witness to this appeal has verbally reported to the Appellant after the signing of the SoCG that AD1(a) on the online policy map may have been a "technical error" and requested that we reconsider our position. I cannot see how this could possibly be given that the physical version of the map also confirms my position.
- 6.83 Irrespective of this, it still does not change the clear wording of the policy, nor the supporting text, nor the Senior Planning Officer's assessment of a scheme nearby in Broughton. They cannot all be accidental errors. The only explanation is that in this

particular case the Council, for whatever reason, does not wish to bring AD1(a) into play.

- 6.84 The application of the development plan was considered in *Tesco Stores Ltd. v Dundee City Council* [2012] UKSC 13; [2012] 2 P. & C.R. 9 (CD7.02). Lord Reed observed in his judgment in that case (at paragraph 19):

*“...In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759, 780 per Lord Hoffmann). **Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.**”*

- 6.85 I maintain that the appeal site adjoins and is in close proximity to the existing residential area as defined by AD1(a). The policy is therefore relevant and is permissive of the development as the proposals do not offend any of the criteria. Indeed, it is common ground that several of the criteria are not offended by the proposals.
- 6.86 It is relevant to the determination of this appeal because I consider it one of the most important policies and is an example of where policies of the development plan may pull in different directions as confirmed by the Courts²⁶. I consider AD1(a) to be out of date as they are effectively defined settlement areas restricting development outside of them and were set to align with Policy 4 which is agreed to be out of date due to being overtaken by significant events.
- 6.87 It is common ground that planning applications can be deemed acceptable against the development plan as a whole, even if proposals do not comply with every single policy, as policies can pull in different directions. It is also common ground that decisions can depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed.
- 6.88 There is also a tension between Policy AD1(a) which is more permissive and EN1 which is more restrictive. The tensions between policies was considered in *Tesco Stores Ltd. v Dundee City Council* [2012] UKSC 13; [2012] 2 P. & C.R. 9 (CD7.02). Lord Reed observed in his judgment in that case (at paragraph 19):

²⁶ CD7.01 - R. Corbett v Cornwall Council [2020] EWCA Civ 508

*“19. That is not to say that such statements [of policy] should be construed as if they were statutory or contractual provisions. Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be **mutually irreconcilable**, so that in a particular case **one must give way to another**.*

6.89 Therefore a decision is required as to which policy is to be given precedence which I believe should clearly be given to Policy 1 noting the overall spatial strategy and the way in which the Council has sought to use Policy EN1 to reinforce objections on grounds of conflict with spatial strategy for the sub regional area.

Summary of AD1(a)

- Policy AD1(a) is identified on the Policies Map adjoining the appeal site and is therefore a most important policy to the appeal. It is essentially a settlement area boundary.
- The policy is permissive of development in close proximity to an existing residential area if it complies with certain criteria.
- Existing residential area is undefined in the text of the policy. The policy does not refer to Preston city specifically. Broughton is an existing residential area as defined by the Policies Map which legally is the diagrammatic representation of policy.
- Senior Planning Officers of PCC have also applied AD1(a) on other schemes in Broughton village.
- The appeal proposals comply with all criteria, supporting the proposal as appropriate in this location.
- However, as with Policy 1, there is a tension between the permissive properties of AD1(a) and the restrictions of EN1.
- The settlement boundary is no longer reflective of the situation on the ground²⁷ and as AD1(a) has been overtaken by events it is out-of-date for the same reasons as Policy 4.

²⁷ There are around 710 dwellings within the settlement boundary defined by AD1(a). Based on the planning approvals for housing outside of the settlement boundary (approx.. 325 dwellings), the village now has at least 31% of dwellings outside of AD1(a).

Policy RES1

6.90 Policy RES1 primarily focuses on permitting three allocated sites beyond the settlement boundary in open countryside. Other developments within open countryside are to be considered in light of Policy 1 and EN1²⁸ to which the BNP looks. Additionally RES (Housing General), within which Policy RES1 sits in the BNP states that housing proposals will be determined in accordance with policies of the CLCS and PLP. Therefore it is Policy 1 that is the most relevant policy for the appeal scheme; RES1 does not preclude proposals such as this appeal coming forward. The BNP has no policies which explicitly prohibit all development in open countryside; to do so would not accord with NPPF. In this context, I do not consider RES1 to be offended.

6.91 With regards Policy RES1 we highlight the judgment handed down in the case of Chichester DC v SoSHCLG [2019] EWCA Civ 1640 (CD7.03). In that case, the proposal was outside the defined settlement boundary in the neighbourhood plan. The relevant policy stated:

The Neighbourhood Plan will support development proposals located inside the Settlement Boundaries of Southbourne/Prinsted, Nutbourne West and Hermitage/Lumley/Thornham, as shown on the Policies Map, provided they accord with other provisions of the Neighbourhood Plan and development plan.

6.92 The Inspector found:

11. The appellant contends that these policies are silent on the question of housing development outside of settlement boundaries and are, therefore, not relevant to the appeal proposal. The appellant points to the NP Examiner's Report which recommended the omission of wording from Policy 1 which would have required development outside of settlement boundaries to conform to development plan policy for the control of development in the countryside. Moreover, it is argued that the scale of development proposed would not be inconsistent with the overall size of Southbourne or the level of development anticipated there in the development plan strategy. The appellant draws support for its approach from an appeal decision at Newick.

12. I agree with the appellant that the policies in question do not directly presume against development outside of settlement boundaries. Furthermore, it was accepted by the Council that LP Policy 5 does not set a cap on the amount of

²⁸ As well as Policy 19 and EN4.

housing which may be provided. That much is plain from the policy's use of the phrase 'indicative housing numbers.'

- 6.93 The Inspector concluded that the scheme was not in conflict with the NP policies, though it did conflict with the aims of it. The Court of Appeal found (see paras 28 – 54) that the Inspector's approach was lawful, specifically at [40]:

40. Policy 1 of the neighbourhood plan supports proposals for development within the settlement boundaries, "provided they accord with other provisions of the Neighbourhood Plan and development plan". It responds to the role envisaged for neighbourhood plans by Policy 2 of the local plan: to fix settlement boundaries, within which "a presumption in favour of sustainable development" will apply. But it says nothing about development outside the settlement boundaries. It does not cut across the operation of Policies 2 and 45 of the local plan, which are the development plan policies specifically relevant to the determination of such proposals. Policy 2 of the neighbourhood plan is a policy of allocation. It carries forward, in the parish of Southbourne, the strategic imperative for the allocation of sites for housing development under Policies 2, 5 and 20 of the local plan. It is the parish council's response to that requirement. Like Policy 1 of the neighbourhood plan, however, it does not affect the operation of Policies 2 and 45 of the local plan.

- 6.94 The BNP explicitly confirms²⁹ modest flexibility towards housing development is supported by the local community, to help benefit meeting the needs of the village as well as supporting local facilities and community to avoid 'damaging larger estate developments within open countryside being pursued by volume housebuilders.' In addition, the neighbourhood plan explicitly recognises that "there is an acceptance that the opportunities to the housing stock within the defined settlement are modest and some additional scope for development close to the village could assist in meeting local housing needs, in supporting development of community facilities and activity, and in rebalancing a local community that is skewed towards the middle aged and elderly"³⁰.

- 6.95 We concur with the BNP, and it is common ground, that there is limited scope for housing within the settlement boundary. It is also common ground that there are no available brownfield sites identified in the Broughton area on the Council's brownfield register in which to meet needs³¹. I believe that to meet future housing needs in

²⁹ Para 8.5.10 of BNP

³⁰ Para 8.3.5 of BNP

³¹ Preston Brownfield Register - <https://www.preston.gov.uk/article/1196/Brownfield-Land-Register>

Preston, development on some existing open countryside will be required and, of course, that is what is already evident by the Council approving sites which conflict with EN1.

6.96 Furthermore, it is common ground with the Council that the appeal proposals are well-contained, have no overall adverse impacts on landscape and visual, and would preserve the identity and distinctiveness of the village. In this context, the proposals would align with the aims and objectives of the BNP.

6.97 In addition, a recent survey undertaken by the parish council in Summer 2023 found that:

- 89% were in favour of Broughton Parish Council working with property developers to try and influence future development to provide community facilities and infrastructure;
- The two most popular community facilities with 80% wanting more open spaces & 50% wanting more footpaths;
- The types of dwellings that were most needed were bungalows, followed by semi and detached houses;
- When looking at the design of future developments the key factors were to retain mature trees, good landscaping, footpaths and cycleways and height.

6.98 The appeal proposals will help provide new open space in excess of minimum requirements, provide a range of dwelling types and sizes, and would be well designed including a significant biodiversity net gain.

Summary of RES1

- The policy's primary intention is to allocate three sites beyond the settlement boundary.
- RES1 states that other proposals in open countryside are to be considered in light of Policy 1 and EN1 (i.e. the strategic policies).
- There are no policies in the BNP which prohibit all development in the open countryside; to do so would not accord with NPPF.
- It is common ground the BNP recognises there are limited opportunities within the village boundary for development that meets local housing needs.
- There are no available brownfield sites in Broughton.

- As RES1 defers to the strategic policies for developments in open countryside, and the appeal proposals accord with Policy 1 and EN1, I do not consider RES1 to be offended.

Policy RES2 & Policy 7

- 6.99 It is common ground the appeal proposals do not conflict with Policy RES2 or Policy 7.
- 6.100 However, I consider Policy RES2 and Policy 7 to be out-of-date in the same way as Policy 4 is out-of-date because it does not reflect the more up-to-date assessment of housing needs in the area. In addition, the policy is inconsistent with §60 and §63 of the NPPF in reflecting the needs of different groups in the community and matters have moved on since Policy RES2 was adopted. National policy has moved on since the adopted of the development plan, with an emphasis on meeting the needs of different groups of people that is not reflected in these policies.
- 6.101 It is no longer enough for policies to simply provide support for certain specialist needs within settlement boundaries which do not specify quantum, mix or type of housing required. Nor is it acceptable to say existing allocations could be developed for specialist needs. NPPF requires development plans to go much further. There is no policy in the development plan that reflects how the assessed need will be met for specialist housing as set out in NPPF §63.

Summary of Compliance with Development Plan

- 6.102 PCC consider that the extent of the harm due to conflict to the development should outweigh the wide reaching benefits of this sustainable development but do not demonstrate what harm actually arises. It is unclear what specifically PCC are suggesting the actual harm and impact is to refuse planning permission. They have reached the decision to refuse planning permission in accordance with the Officers report. This states:

The adverse impact of this development is a fundamental conflict with the development plan spatial strategy for Central Lancashire. This strategy seeks to direct development to the most sustainable higher order centres and minimise development in the lower order centres such as Broughton. (page 30)

- 6.103 PCC say that because Policy 1, EN1 and RES1 are spatial policies, and the proposals are considered to be a “fundamental conflict” then this should automatically attract significant weight. I completely disagree. The Council does not appear to factor in any other *spatial* material considerations (such as the changing sustainability and nature of Broughton around the site) before deciding the *extent* of any actual harm arising from any conflict despite agreeing that “extent” of any conflict is a factor³². I consider that when other spatial considerations are factored into determining the extent of harm, if the Inspector disagrees and concludes there is conflict, then the weight applied to any conflict should be significantly reduced.
- 6.104 I consider the appeal proposals comply with Policy 1 as they are small scale, infill and will meet a local need. Even if the Inspector disagrees, Policy 1 does not state that any development other than small scale would be refused, as in the Chichester judgment (CD7.03), larger scale development can come forward. Policy AD1(a) also follows this approach whereby it permits development in close proximity to the existing residential area if it meets certain criteria. This is for a reason and is clearly intended to enact the plan's objective to remain adaptable to changing circumstances. Both Policy EN1 and RES1, if applied in the way the Council is in this appeal, would frustrate that ability by not allowing for exceptions and holding back Policy 1 and AD1 from being able to support sustainable development in specific cases.
- 6.105 Policy 1 is not as restrictive as the Council allege and allows for exceptions which apply to the appeal proposals as well as a balanced judgement on the specific site merits, settlement and development characteristics. In this case there is no landscape or character harm or adverse impacts on any other matter. Statutory consultation responses confirm that technical matters inter alia landscape, surface water drainage, foul drainage, energy and heritage are all considered to be acceptable, or capable of being controlled by an appropriately worded planning conditions and/or planning obligation.
- 6.106 It is common ground that the statutory status of the development plan should be the starting point for decision making in line with para 12 of the Framework. I consider that the appeal proposals are in accordance with the adopted development plan as a whole. The appeal site and specific proposals respond positively due to the sustainability of the location and the accrued economic, social and environmental benefits. Here it must also be recognised that there is a lack of technical or developmental harm caused by the proposals as is common ground.

³² §5.31 of Council's SoC

- 6.107 The conflicts which arise with limited areas of the most important policies of the development plan have been assessed as part of my case. The material considerations are compelling and are set out in Section 6. Circumstantial evidence in relation to the site, the settlement and wider spatial objectives all contribute to the requirement to exercise a wider reaching consideration of whether the proposals accord with most important policies or not.
- 6.108 I firmly consider the proposals represent sustainable development. I consider that the social, economic and environmental benefits created by sustainable development are more than capable of outweighing any perceived policy conflicts under a 'flat balance'.
- 6.109 In this context, whilst Policy 1, EN1 and RES1 are in accordance with the Framework (which is a separate point) and have full weight, even if I was to accept the proposals conflicted with every one of them, I conclude that my assessment of harm arising from these specific appeal proposals is to be afforded limited weight taking account of the material consideration I have set out. I believe that the protection elements of the policies need to be applied with a greater degree of flexibility than in other circumstances in light of:
- I. The outdatedness of the adopted housing-related policies which inform the spatial strategy, including Policy 4;
 - II. The lack of development plan policies which have reflected the assessment of the size, type and tenure needed by different groups in accordance with NPPF;
 - III. The lack of allocations, planning permissions or future supply which would meet the newly identified needs;
 - IV. the need to identify more land to meet newly arising housing needs I have evidenced.
- 6.110 This approach to applying greater flexibility to policies was accepted by Inspector Hartley in Westhoughton³³.
- 6.111 This section has then further presented and assessed evidence in relation to the most important policies of the adopted development plan. In conclusion what we draw therefore from our analysis is that:

³³ §78 of CD6.29

1. The spatial strategy detailed within Policy 1 has been successful across the plan period albeit helped by windfall development during a period of housing shortfall. The scale of the proposals would not materially affect the spatial strategy;
2. Policy 1 does not explicitly prohibit development in Broughton for the character of development proposed;
3. It has been found that larger scale growth can be supported on grounds of sustainability but that is down to the specific proposals and the settlement in question;
4. Such developments can represent a sustainable development in terms of its form, location and achieving the economic, social and environmental benefits which flow from development;
5. The proposal accords with Policy 1 because it is small scale and meets local need;
6. Furthermore, the proposal is infill development, it also accords with Policy 1 and EN1 on this basis;
7. If not considered infill, then EN1 and RES1 are to be afforded limited weight if applied correctly alongside Policy 1 and AD1(a) provisions above.
8. Overall, taking account of policies of support and policies pulling in different directions, the scheme accords with the development plan.
9. Alternatively, the weight to any limited conflict with EN1 and RES1 by the Inspector is outweighed by the compliance with Policy 1, with the NPPF, and the substantial benefits of the scheme.
10. If the Inspector concludes that the proposals do conflict with the Development Plan as a whole, I consider that there are a range of other policies that support the proposals and there are significant material considerations in this particular case (not least substantial benefits) that indicate the plan should not be followed in accordance with NPPF Paragraph 12.
11. Alternatively, given the unique nature of this proposal to meet specialist housing need, then the most important policies for determining the application are to be considered out of date. Policy 7 does not reflect an up to date assessed need for specialist housing through the allocation of land as required by NPPF 60 and 63. Therefore the following policies accepted as most important to the determination of this appeal are out of date – policies 4, 7, AD1(a) and (b), RES2. As such the tilted balance is engaged and the harms of the scheme do not significantly and demonstrably outweigh the benefits.

7.0 Meeting the Needs of Groups with Specific Housing Requirements

Updates to NPPF

- 7.1 The Core Strategy, Local Plan and BNP were not examined against the requirements of para. 63 of the NPPF or the guidance in the PPG, which specifically addresses meeting the needs of groups with specific housing requirements. This is to be expected as the development plan was examined under the 2012 NPPF. It was only through the 2019 NPPF that the government sought to provide specific policies for specific groups (through §61 of that version of the Framework). §60 of the NPPF states:

*60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, **that the needs of groups with specific housing requirements are addressed** and that land with permission is developed without unnecessary delay. **The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.***

- 7.2 Updates to the NPPF in 2021 and 2023 changed and widened the definition of what 'Older people' means to include those over or approaching retirement age including the active, newly retired to the very frail elderly. The latest update to the Framework³⁴ now refers to 'retirement housing' as a group whose needs on size, type and tenure should be assessed and reflected in planning policies. The definition also includes those whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs. §63 goes on to state:

*63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should **be assessed and reflected in planning policies.** These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require **retirement housing**, housing-with-care and care homes); students; **people with disabilities**; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.*

³⁴ §63

7.3 The PPG also explicitly recognises 'age-restricted general market housing' as a type of specialist housing for older people³⁵. It states that:

Age-restricted general market housing: *This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services.*

7.4 Given the adopted Core Strategy and Local Plan were adopted before these changes to national policy they could not have taken account or reflected the full needs of older people and other groups in the community. It is common ground that the Core Strategy and Local Plan did not seek to meet a specific number, type or tenure of older people homes in its policies, in accordance with §63 of NPPF, nor would it have taken account of the updated definition in the glossary of NPPF. The policies of the development plan are not consistent with NPPF policies. National policy has moved on.

Existing and Future Supply

7.5 My analysis of the existing and future supply at Appendix 2 demonstrates very little of the existing supply will provide homes for older people entering retirement or homes with higher accessible/adaptable or wheelchair standards. The Council has confirmed it does not hold, or monitor, information on the number of housing completions of older people's housing and M4(2) or M4(3)³⁶.

7.6 There are simply no policies and allocations within the development plan which force developers to build the types of homes now needed, nor are there any policies which direct where proposals (such as the appeal proposals) which meet newly identified needs of specific groups should go. The Council agree that the development plan does not seek to meet the requirements of §63 of the Framework. This is why my tertiary case is that the most important policies for the determination of the appeal are out-of-date and the tilted balance is engaged.

Relevant Appeals and Local Decisions

7.7 The relevance of this to this appeal is succinctly set out by Inspector Price in the Fradley appeal:

³⁵ Paragraph: 010 Reference ID: 63-010-20190626

³⁶ Appendix 7

57. The proposal conflicts with an adopted development plan which was examined against the 2012 version of the Framework. The revised Framework of February 2019 introduced the requirements set out in its paragraph 61. This is in the context of the Framework's objectives for delivering a sufficient supply of homes, with an amount and variety of land coming forward where needed to address the needs of groups with specific housing requirements.

58. Framework paragraph 61 requires the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. These groups include those who require affordable housing, older people and people wishing to commission or build their own homes.

59. Regarding the housing needs of older people, the Planning Practice Guidance (PPG) addresses these in a section published on 26 June 2019. Reflecting the critical housing requirements of an ageing population nationally, the PPG seeks that local planning authorities set clear policies to address the needs of older age group. This could be by providing indicative figures or a range for the number of units of specialist housing for older people needed in an area throughout the plan period¹⁸. The PPG advises that it may be appropriate to allocate sites where there is an identified unmet need for specialist housing.

60. As noted, LPS policies H1 and Frad4 promote the delivery of housing to meet the needs of an ageing population. However, whilst providing a statement to this effect, these policies fall short of actually assessing and then reflecting these needs, such as through indicative figures or allocations. These policies were based on the 2012 SHMA. This had not highlighted Lichfield's current unmet need for C2 units nor its comparatively high and growing proportion of older people, more recently revealed by the 2020 HEDNA.

61. As the policies most important for determining an appeal relating to a scheme geared to serve the varying needs of an ageing population, neither LPS CP 1 or 6 reflect the Framework paragraph 61 requirement to assess and reflect this housing need. In the context of this particular proposal, these development plan policies are thus shown to be out-of-date.

7.8 The Secretary of State recently allowed an appeal at D'urton Lane, Preston, (CD6.16) for the construction of a new mosque on land within the open countryside. The proposal was found not to be in accordance with Policy 1, EN1 and Policies 16, 17 and EN8, and was therefore not in accordance with the development plan. In determining the need and benefits of the scheme, the Secretary of State noted:

30. For the reasons given at IR358-369 and IR387-389, the Secretary of State agrees with the Inspector that on the evidence before the inquiry there is a demonstrable need for the proposal and the need is compelling (IR369). He agrees that the proposal would fulfil the worship requirements of the local Muslim community and be in a location that would be accessible to its likely users (IR387) and that the proposal would allow for the creation of equal and cohesive communities, and increase diversity (IR388). He further agrees that the proposal is supported by Policy 25 of the Core Strategy because it would ensure that local communities have sufficient community facilities provision and attracts support from the Framework as it would allow for a planning decision to plan positively for a place of worship and would strongly support the social objective of sustainable development under the Framework (IR389). The Secretary of State further agrees with the Inspector that the need for the proposal attracts significant weight as a benefit (IR389).

- 7.9 There are parallels with this appeal scheme in that it too also seeks to meet a local need, and the needs are compelling. It also confirms that proposals can come forward which are not supported by the spatial strategy. I note that the SoS only gave significant weight to the needs case, whereas in this case the Council gives substantial weight to the full range of housing proposed.
- 7.10 Even the Council has been content in approving development, with very strong parallels to the appeal proposals, in a village settlement in the same category as Broughton, regardless of five year housing supply. The Head of Development Management at PCC, Natalie Beardsworth, recommended approval for older people's housing in Grimsargh (CD8.05) and concluded:

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions are made in accordance with the Development Plan, unless material considerations indicate otherwise. Representations both supporting and objecting to the proposed development have been received. All representations received have been carefully considered and taken into account. The principle of the proposed development in the location proposed does not accord with the development plan. However there are material considerations that indicate that the proposal should be determined other than in accordance with the development plan. Firstly the provision of both market and social housing are both social and economic benefits of the proposal and these benefits are not diminished owing to the Council having a five year supply of housing land. Furthermore there is a demonstrated need for the proposed accommodation and different types of tenure would be offered advancing further social benefits. Although the proposed

development would result in the loss of open countryside, it would not have a significant or unacceptable adverse effect upon the landscape character or the open character of the open countryside. Moreover the proposed development would result in no increased risk of a merger of the Preston urban area and Grimsargh and there would be no significant harm to the local distinctiveness of Grimsargh as a separate village. Lastly the proposed development would have no unacceptable impact in terms of traffic and highway safety, flood risk, ecology, ground conditions, mineral resources, safety and security and the amenity of existing local residents. The proposed buildings would be energy efficient, well designed and would not detract from the setting of Grimsargh St. Michael's Church. It is considered that the proposed development would bring social, economic and environmental benefits that outweigh the conflict with the development plan and the environmental harm associated with the loss of open countryside. Overall the material considerations indicate that the proposed development represents sustainable development and should be approved.

- 7.11 The above planning balance is almost the exact same approach as I am taking in very similar circumstances. The housing need section of that report is also relevant to the appeal scheme.

Summary

- 7.12 The Council dispute my interpretation of the latest housing need reports. However, the reports were commissioned, approved by committee, and published by PCC, and clearly show there is a current and future need for affordable, older people's, accessible and adaptable, larger properties for ethnic minority communities and M4(2)/(3) homes across the borough including Broughton for the period 2021-38; a period which has already started. A new Local Plan is several years away from being adopted. These newly arising needs could not have been met by the current Core Strategy or Local Plan which pre-dated the reports. No interpretation is necessary.
- 7.13 The Council's inflexible and undervaluing approach in assessing the specific appeal proposals would prevent housing to meet identified needs being brought forward in sustainable locations.
- 7.14 It should be emphasised here that PCC did not dispute the validity of the evidence provided to them in respect of housing needs within their Committee Report. They did however query the application of this at the micro-level and how the broader borough assessments undertaken translated to Broughton as a locality. The evidence in the

following section sets out that there are clear newly arising needs and circumstances across Preston, and Broughton locally, that the proposals directly respond positively to. The benefits are compelling and substantial.

8.0 Benefits and Planning Balance

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise. The weighty benefits, set out in this section, are substantial material considerations in the determination of this appeal.

8.2 I have adopted a hierarchy of weight using the following:

Substantial
Significant
Moderate
Limited/Negligible
None

Main Benefits

8.3 The appeal proposals will deliver demonstrable benefits which are to count in the favour of the appeal proposals within the planning balance.

8.4 The appeal proposals are in response to evidence provided by PCC which demonstrates a need for specific housing in Preston. As such, the scheme proposes a bespoke housing mix of:

- 10% housing for over 55s;
- Increased provision of affordable housing to 40%;
- Accessible and Adaptable M4(2) and Wheelchair M4(3) dwellings;
- Larger homes aimed to meet the needs of ethnic minority communities.

8.5 CLCS Policy 1 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.

8.6 My evidence in this section confirms that the proposed development meets this policy test which is strengthened by a bespoke offer of tenure and housing types and as such, complies with this part of Policy 1.

Market Housing

- 8.7 The Council suggest that as a result of meeting the test of five year housing land supply, that the cumulative benefits of the proposals do not outweigh the conflict with CS Policy 1 and LP Policy EN1 and the development taken as a whole, therefore planning permission should be refused. This is an unusual position given the Council has on other cases approved significant residential development against the same housing land supply background.
- 8.8 In addition, demonstrating a five year housing land supply is meaningless if the composition of that supply does not meet a specific newly arising unmet need in the borough or locally in terms of type, tenure, standards or size³⁷. 5-year housing land supply is only a policy test, it is not a test of real housing needs, and it is common ground that the standard method does not produce a housing requirement figure.
- 8.9 Land supply and the calculation of housing needs is not just a numbers game; each one of those digits represents a real person or family in need. The calculation of five year land supply, as well as the calculation of LHN using the Standard Method, does not intend to calculate supply or needs for all types of housing groups, only a general housing need. For all intents and purposes, the identification of a five year housing land supply is irrelevant to this appeal. This is why it is a positive consideration that the appeal proposals will help meet newly identified housing needs now because the existing development plan will not deliver them and the eCLLP is a long way off adoption.
- 8.10 Whilst the Council may consider its housing land supply to exceed its need, that does not tell the full picture. It is common ground that the Preston, South Ribble and Lancashire City Deal was an agreement between the Government and four local partners; Lancashire County Council, Lancashire Enterprise Partnership, Preston City Council and South Ribble Borough Council, in September 2013.
- 8.11 It is common ground that upon signing the deal the Councils committed to delivery of 17,420 new homes between 1st April 2014 and 31st March 2024 (1,742 dpa), against funding of infrastructure from government. PCC agree that there currently remains a significant shortfall in the number of dwellings that would have been expected to have been completed at this stage in the deal programme. Indeed on factoring in the respective anticipated delivery for each authority in 2023-2024, across the programme period only 13,117 dwellings (75%) will have been developed against this target (as per

³⁷ See Appendix 2 - My analysis of composition of existing and future supply

Preston and South Ribble's Annual Monitoring Reports). This is equivalent to a significant shortfall of 4,303 homes.

- 8.12 The LPA have resolved to attribute significant weight to market housing even against the backdrop that the Council can demonstrate a 5- year housing land supply. We consider that substantial positive weight should be applied, but that this should be applied individually to market and affordable given these are meeting different public needs.
- 8.13 Core Strategy Strategic Objective 5 (SO 5) identifies the need to "*help make available and maintain within Central Lancashire a ready supply of residential development land over the plan period so as to help deliver sufficient new housing of appropriate types to meet future requirements*". We consider the proposals will help maintain the forward supply of homes of appropriate types to meet current and future needs and it is common ground that the Council will seek opportunities to maintain a minimum five year housing land supply.
- 8.14 A very recent appeal in Grimsby, North East Lincolnshire (CD6.06) for 64 dwellings was allowed despite being located in open countryside and there being no dispute between the parties that the authority could demonstrate a 13.1 year housing land supply. Thus, paragraph 11 d) of the Framework was not engaged. Inspector Thandi concluded:

45. The Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, whilst the development plan has primacy in decision making, there are circumstances where material considerations may indicate that a decision otherwise than in accordance with the plan should be taken.

46. Proposing housing on the appeal site conflicts with the LP as it would be located beyond a defined settlement boundary. However, this harm would be tempered because the appeal site sits on the edge of Scartho neighbouring residential development. Furthermore, it is an agricultural field heavily influenced by existing built form and a domestic margin. I therefore give this conflict with the development plan moderate weight.

47. Whilst the Council can demonstrate a deliverable housing land supply of 13.1 years this has come about due to the use of the standard method to calculate the Council's housing land need. Based on the information before me until recently the

supply stood below 5-years at around 4.2 years. It is also evident that there is a history of undersupply in the area.

48. With this in mind the construction of open market housing would make a reasonable contribution towards housing supply in the area. Despite the current position the five-year housing-land supply figure it is not a ceiling and exceeding it is a positive outcome, particularly given the national context of a housing crisis, and the overall emphasis in national policy to significantly boost the supply of housing.

8.15 The Site Plan for the Grimsby appeal scheme is shown at CD8.05. There are parallels with this appeal scheme where the site lies on the edge of the residential area and built form heavily influences the site from all angles although arguably the site in Broughton is much more heavily influenced by built form on all sides, as opposed to only two sides in Grimsby.

8.16 Inspector Fieldhouse allowed an appeal in Davenham (CD6.07) for up to 70 homes despite the land being outside the settlement boundary and the Council demonstrating a five year housing land supply. He concluded:

42. *There is nothing to lead me to conclude that the development would not take place in the near future if the appeal were to be allowed. Whilst the site is not currently needed in order to ensure an adequate supply of deliverable sites, there is nothing in the NPPF to suggest that the existence of a five year supply should be regarded as a cap on further development, and indeed policies STRAT2 and SRAT5 of the CWCLP Part One set minimum targets for housing delivery. In this context, and given the need to deliver affordable homes in the area and the fact that recent levels of provision have been below identified requirements¹², I attach significant weight to the social and economic benefits associated with the proposal.*

56. *By virtue of the conflict with the locational requirements of VRBLP policy GS5 and CWCLP Part One policy STRAT9 that I have identified, the proposal would not be in accordance with the development plan. Planning permission should not therefore be granted unless material considerations indicate otherwise.*

61. *On balance, the significant social and economic benefits, along with the potential environmental benefits arising from the creation of an enhanced settlement edge, are of sufficient weight to clearly outweigh the moderate harm that would be caused meaning that the proposal would represent sustainable development as defined in the NPPF¹⁷.*

62. *For these reasons, material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan.*

8.17 In allowing an appeal for residential development in Assington (CD6.09) outside of the built up area boundary, Inspector Gilbert acknowledged the Council could demonstrate a five year supply and also recognised this does not represent a limit on housing delivery as the Framework supports the Government's objective to significantly boost the supply of homes (§36-38). I concur with the positive approach of Inspector Gilbert and Inspector Fieldhouse.

8.18 Inspector Woodward allowed an appeal in Stotfold (CD6.10) for up to 181 homes despite the site being in the open countryside and not engaging the tilted balance. He concluded:

93. In this instance, there are a number of other material considerations to weigh in the planning balance. As I have set out above, there would be significant positive benefits from the proposal arising from the proposed market housing, affordable housing, market extra care accommodation, and contribution towards short and long term economic growth. There would also be moderate positive benefits from the proposed affordable extra care accommodation, SBCB plots, contribution towards wider flood relief measures, securing a 10% BNG, and the creation of significant areas of publicly accessible open space.

94. Given my findings in terms of the housing land supply position, the most important policies are deemed to be out of date by virtue of paragraph 11d of the Framework and the 'tilted balance' is technically engaged. However, the benefits of the proposal are many and weighty. The harms and conflicts with the Development Plan are few and of lesser overall weight. The material considerations therefore indicate that the proposal is acceptable and it is not necessary to engage the 'tilted balance'.

8.19 In Long Melford (CD6.11), the Secretary of State allowed an appeal for up to 150 dwellings despite there being a five year housing land supply and the proposals lying outside the settlement boundary. In recognising the weight to be given to market housing in this context he concluded:

53. The proposal would provide up to 150 new homes, including around 53 affordable homes. Although the local authority can now demonstrate a supply of housing land above 5 years, this figure is a baseline and not a ceiling. Relevant to

this appeal, the appellant has demonstrated there is a local need in this settlement, in line with the expectations of the development plan, for both market and affordable housing. The Secretary of State recognises that there is now a five-year supply of housing land supply. However, in the light of the identified local need, and the Government's objective of significantly boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight.

- 8.20 This was also the same approach by the Secretary of State at Hook Norton (§24, CD6.12), despite there being a demonstrable 5 years' housing land supply, he concluded that the provision of housing would be a significant benefit which weighs heavily in favour of the proposal.
- 8.21 The Secretary of State also gave significant weight to market housing at Stapeley³⁸ even in the context of a demonstrable five year housing supply on a scheme which was not in accordance with the development plan overall.
- 8.22 However, I consider that more than significant weight should be given to the benefit of market housing in this case because of factors specific to Preston. It is common ground that the Central Lancashire authorities agreed a Statement of Common Ground dated July 2022. This states that for Preston, the ECLLP proposes annual housing targets of 600dpa (2023-2027), 500dpa (2028-2032) and 400dpa (2033-2038). It is agreed that the Central Lancashire authorities are committed to this intended housing requirement. The emerging plan period has already started from 2023 and whilst it is not our case that it is the adopted requirement and therefore housing target, upon adoption this is the context to which housing land supply and delivery will be judged and, indeed, this is more reflective of real objectively assessed housing needs than the minimum standard method. If the Central Lancashire SoCG were the adopted targets, the Council's housing land supply based on its latest published figures for April 2023, would equate to 5.58 years supply.
- 8.23 We consider that this is relevant background to considering the merits of the appeal proposals at this time. It is welcomed that the Council attribute such significant weight even with their consideration of the current housing supply. There is a continued need to deliver housing in the current plan period and beyond into the new plan period. It is common ground that in order to support the Government's objective of significantly boosting the supply of new homes, set out in paragraph 60 of the Framework, and the

³⁸ §34 of CD6.17

Council's commitments under the City Deal, it is agreed with PCC that there would be considerable merit in the provision of market housing on the appeal scheme.

- 8.24 In addition, there is a national housing crisis and it is the government's priority to significantly boost the supply of housing. The government target is a commitment to deliver 300,000 new homes per year by the mid-2020s and to supply 1 million new homes by the end of the current parliament. This is not a universally accepted figure, with research commissioned by NHF and Crisis identifying a need for 340,000 homes each year to 2031. However, the net dwelling completions across England has never come close to meeting this target for several decades and in the latest reported year (2022/23) only 234,397 were completed (Appendix 3).
- 8.25 There is also evidence showing that applications submitted to PCC are generally falling from a peak in 2015 (Q3) of 347 applications, to around half in 2023 (Q3) of 177 applications (Appendix 4). A decrease in planning applications is consistent with the picture nationally although it is not as stark as in Preston. This is likely to have implications for future supply.
- 8.26 In addition, the NPPF considers SME sites make an "important contribution to meeting housing requirement of an area and are often built- out relatively quickly" (Paragraph 70).
- 8.27 In this context, particularly in the context of a shortfall against the City Deal targets, we consider that market housing should be given **substantial weight** in the planning balance whilst the Council give **significant weight**.

Affordable Housing

- 8.28 The proposed affordable housing quantum 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). It is common ground that these reports are a material consideration in this appeal.
- 8.29 Affordability throughout the plan period has not improved the lower quartile price to workplace earnings being around 4.8-5 at the start of the plan period and for 2023 it is currently at 4.91.
- 8.30 It is common ground that the HNDA (2022) states there is a **net annual need for 377 affordable homes** across Preston from 2021-38. 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 CLCS requirement and any previously published housing needs assessment for the Preston area. For example, the CLCS 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, it is common ground that the latest assessment of affordable housing needs in Preston is over 8 times higher than the CLCS requirement and it is agreed this represents an acute need for affordable homes now in Preston.

8.31 The changing affordable housing need picture in Preston is set out in Table 6 below:

Changing affordable housing needs in Preston	
Core Strategy	46 dpa
SHMA (2017)	239 dpa
Iceni Housing Study (2020)	250 dpa
HDNA (2022)	377 dpa

Table 6 – Changing affordable housing needs in Preston

8.32 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 despite the Council being aware of numerous studies commissioned by it showing that affordable needs had worsened since the adoption of the CS. The average delivery of 83 dpa 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 CLCS plan period, the average has been 131 per annum. This delivery track record is significantly below what is now needed in Preston and so PCC should look highly favourably on windfall schemes which deliver new affordable homes in sustainable locations to assist PCC in trying to meet needs.

8.33 The latest evidence, compared with previous published housing assessments, demonstrates 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**”.

8.34 The SHMA (GL Hearn, 2017 – CD4.11), 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.

8.35 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 in Broughton locally. More recently, and up-to-date, Maps 3.1 and 3.2 of the HDNA shows that the north of Preston (which includes Broughton) remains the least affordable area to live in with median house prices increased since the SHMA (2017). A extract is shown at Figure 4 below.

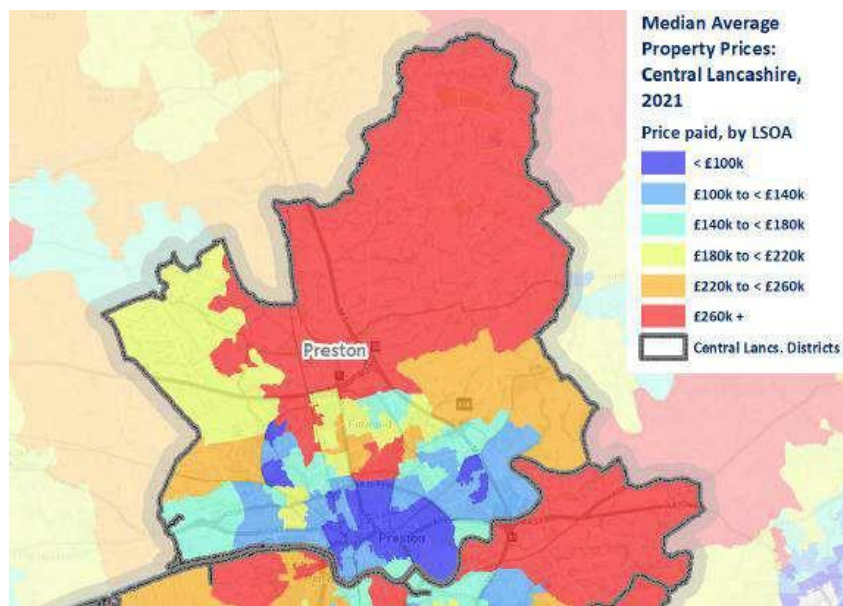


Figure 4 - Heat Map of affordability in Central Lancashire

8.36 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) commissioned by the Council also highlights that there is a specific need for affordable home ownership products which was evidenced in the 2021 household survey.

8.37 The Icen report (2020) (CD4.12) 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 rental market housing fall in between the market value and 80% of the market value 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.

8.38 The 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.

8.39 Based on the above evidence, and placing more weight on the latest published studies in 2022, the Appellant reviewed its offer for affordable housing as brought forward as part of this development. The appeal proposals will commit as a planning obligation to deliver 40% of all units as affordable. The suggested tenure split of 68% affordable rent and 32% affordable home ownership (to include First Homes and Shared Ownership) will be agreed with the affordable housing officers as part of reserved matters to ensure affordable tenures on the site reflect the very latest needs in Broughton.

8.40 Further engagement with Arc4 who produced the 2022 evidence has allowed the Appellant to determine the exact affordable housing need in Broughton using the Local Housing Needs Assessment prepared for Broughton Parish. It is common ground that the evidence, which underpins the HDNA (2022) report confirms an annual net affordable need of 11 dwellings per annum, as set out in Table 7 below.

	1-bedroom house	2-bedroom house	3-bedroom house	4 or more-bedroom house	1-bedroom flat	2-bedroom flat	3 or more-bedroom flat	1-bedroom level-access/ other	2-bedroom level-access/ other	3 or more bedroom-level-access/ other	Total	
Social/affordable rented			1	3	2	1	1			1	1	10
Affordable home ownership				1								1
TOTAL ANNUAL AFFORDABLE NEED			1	4	2	1	1			1	1	11

Table 7 – Arc4 Recommended Affordable Housing Mix for Broughton

8.41 To demonstrate the scale of affordable housing needed in Broughton, over a ten-year period, approximately **110 affordable homes** will be needed or **165 affordable homes**

across a typical 15-year plan period. In my view, this clearly represents a 'local need' as allowed by Policy 1 of the CLCS. In addition, the Council agree the proposals 'may' meet a local housing need³⁹ but have not put a case forward as to why the evidence would not constitute a local housing need.

- 8.42 To align with the local evidence, the appeal proposals will deliver a range of affordable dwelling sizes in response to the needs specific to Broughton above.
- 8.43 Core Strategic Objective 8 specifies an aim to *"significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as in more rural areas"*. The proposals clearly respond to this.
- 8.44 In addition, a response to a FOI request⁴⁰ found that the number of households on the Council's Housing Register at 31 March 2023 is **3596** households. The average waiting times at that time for: (a) 1-bed affordable dwelling; 37 weeks (b) 2-bed affordable dwelling; 59 weeks (c) 3-bed affordable dwelling; 53 weeks and (d) A 4+ bed affordable dwelling; 62 weeks (these timescales are based on the mean average wait time of all households rehoused within the time period).
- 8.45 The total number of households on the Council's Housing Register at 31 March 2023 specifying Broughton as their preferred choice of location: 65
- 8.46 The average number of bids per property over the 2022/23 (1 April 2022 to 31 March 2023) monitoring period for the following types of affordable property in the location of Broughton Parish: (a) 1-bed affordable dwelling; 28 (b) 2-bed affordable dwelling; 276 (c) 3-bed affordable dwelling; 298 and (d) A 4+ bed affordable dwelling. No data available as no 4 beds have been advertised during this timescale (based on the mean average, rounded up to the nearest number)
- 8.47 The number of households on the Housing Register housed in temporary accommodation within and outside the Preston Council area on the 31 March 2022 and 31 March 2023: 92
- 8.48 The Appellant has received an expression of interest in taking on the 40% affordable units on the scheme from local housing provider Heylo (Appendix 5). Heylo were established in 2014 and have grown to become one of the UK's leading affordable housing providers, bringing the opportunity of owning a home within reach for millions of previously excluded buyers. Heylo have also worked with developer partners in the

³⁹ §7.6 of Council's SoC

⁴⁰ Appendix 7

locality of Broughton and Preston so are familiar with the demand and need for affordable homes.

- 8.49 Considering all of the above it is clear that the affordable housing provided by the appeal proposals should be given no less than substantial weight in the planning balance. The Council may seek to temper the benefit of the increased provision of affordable housing to 40% of the scheme. However, the words of Inspector Young on the appeal⁴¹ at Oxford Brookes University are particularly compelling and applicable to the situation in Preston:

"It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough [homes]. It is also evident that the seriousness of the...shortage in South Oxfordshire is having wider consequences for economic growth in the area."

- 8.50 It is common ground that there is a need for all types of affordable housing across Preston. I consider that this affordable provision represents a very significant material consideration which weighs heavily in favour of granting planning permission irrespective of the five year housing land supply position. My approach to the weight to affordable housing is most succinctly set out by Inspector Dakeyne at Barton, Preston, (CD6.15) where he concluded:

60. A number of affordable homes are to be provided in Barton through existing permissions. The assessments of affordable housing need through the SHMA and CLHS have not been tested. However, it is likely that Preston's overall affordable needs are substantial and the evidence indicates that delivery is not keeping up with the need. The new affordable dwellings would provide homes for real people in real need.

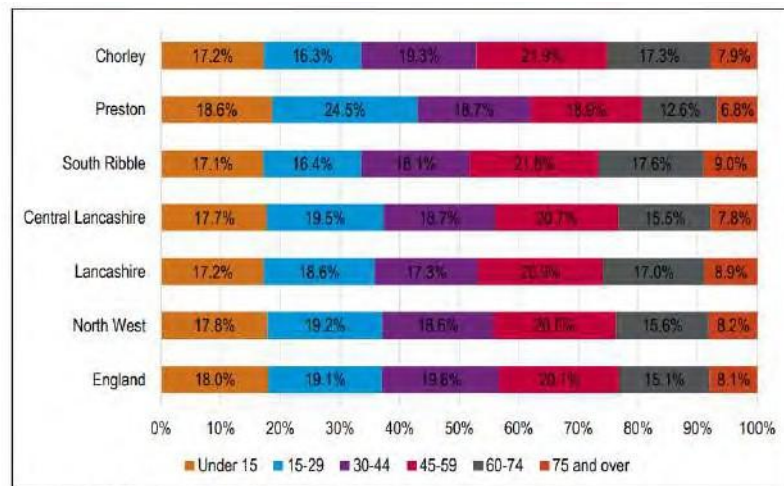
- 8.51 In the context that the situation has worsened since Inspector Dakeyne considered the SHMA⁴², the appeal proposals exceed the policy requirement for affordable, and the demonstrable identified need in Broughton locally, I give this element of the proposals **substantial positive weight** in the planning balance. The Council gives significant positive weight.

⁴¹ §13.101

⁴² At the time the SHMA assessed affordable needs at 239 dpa. The HNDA (2022) identifies a need for 377 dpa.

Older People's Need

- 8.52 The PPG describes the need to provide housing for older people as “critical”.
- 8.53 Data from the ONS demonstrates how the demographic breakdown of Preston compares to the rest of Central Lancashire and the UK as a whole. Figure 5 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.



Source: ONS 2016 mid-year population estimates

Figure 5 - Population age profile in Central Lancashire

- 8.54 Various studies have been undertaken within the Central Lancashire area, and specifically Preston, to understand the housing need for older people. The latest evidence prepared by Arc4 (2022) suggests there is a need for older person accommodation in both C2 and C3 use classes. In Preston, it is common ground that the HDNA identifies 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**.
- 8.55 The recent DLP Housing Study (2022) finds that the Central Lancashire population has seen the **largest growth in the older age group**⁴³, 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 housing (including retirement homes) for older people with **1,903 more units** for older people required by 2038.

⁴³ Specifically over 65s

8.56 The Icen Housing Study (2020) concluded a similar picture. Table 7.4 of the report (below – Table 8) 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 8 - Projected population change for older people in Preston (2018-2038) taken from the Icen Housing Study 2020.

8.57 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 (Table 9 below) of the Icen 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 9 - Change in Household Types in Central Lancashire (2018-2038) taken from the Icen Housing Study 2020.

8.58 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 older people's housing options moving forward. One type referenced by the Icen

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. Age-restricted general market housing is part of the appeal proposals.

8.59 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 Table 10 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 10 - Demographic Projections – taken from the Central Lancashire Housing Study prepared by Icen, 2020

8.60 In addition to the evidenced demand for housing for older people as a result of the growing population, data from the Demographic Projections and Housing⁴⁴ shows the types of housing that are required to accommodate the over 55s as shown in Table 11.

		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 11 - 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

8.61 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. Icen recognised this in the preparation of their

⁴⁴ LIN/HOSPR/EAC

assessment, and at para 7.10 of the report state that housing with support can include retirement and sheltered housing. For this analysis, the assessment is made on the basis of the needs for retirement housing (which falls under the 'housing with support' category).

- 8.62 On this basis, there is a clear shortfall of older people's retirement units across Preston. The demand is expected to increase because of the ageing population and this shortfall will also increase in line with the rising demand without housing proposals such as this coming forward.
- 8.63 It is noted that within the Committee Report, PCC draw attention to a planning permission (Reference: 06/2019/1347) relating to a site within the settlement boundary of Broughton. The scheme was subject to a S73 application (Reference: 06/2020/1144) which amended the typology to over 55s accommodation. It is understood that this scheme will become operational imminently.
- 8.64 Whilst this scheme makes a contribution to an identified need, this does not mean that PCC should resist further provision of this housing typology on sustainably located sites which the Committee Report appears to purport to as an approach. PCC should instead be endeavouring to identify further opportunities to establish a pipeline of such accommodation to meet the identified growth in need.
- 8.65 The projections indicate that demand for this typology will only increase. Furthermore, that particular scheme is proposed to cater for affordable care needs in conjunction with a registered provider. That does not therefore address the imbalance of need for smaller properties for retirement purposes which along with meeting the direct need apparent, would also serve to free up larger homes within the local housing market facilitating downsizing.
- 8.66 Locally, the Broughton Parish Census data for 2011 and 2021 (ONS Area reference: Preston 002B) highlights the changes which have occurred through the current plan period in relation to the local demographic, economic inactivity (as a sign of an aging population) and tenure type availability. It is worth noting that Broughton parish area extends beyond the M55 into part of Preston city where other development has taken place. This data is set out at Table 12.

	Census 2011	Census 2021	% increase/decrease
Households (total)	737	957	+29.9%
65 years and over	469	539	+14.9%
Population (total)	1722	2466	+43.2%
Economically inactive	366	703	+92.0%
Household size (1 person)	199	215	+8.0%
Households (1 bedroom)	39	35	-10.3%
Households (2+ bedrooms)	697	921	+32.1%
Home ownership	832	641	-33.0%
Social rent	48	42	-12.5%
Private rent	76	40	-47.4%

Table 12 – Broughton household composition and tenure

8.67 Most strongly is a picture of a significant increase in those not economically active (+92%), an increase in the older population (+14.9%), a decreased amount of home ownership (-33%) and a decreased amount of rental properties (-47.4%). 22.0% of the parish is 65 or older, compared with the district at just 13.7%. The older proportion of the population in the parish is increasing quickly (2011-21) at +14.9%.

8.68 There is also a 8% increase in the number of one person households since 2011 despite the level of larger dwellings increasing significantly; this suggests an opportunity locally in Broughton for older residents to 'down-size' and help release larger properties into the market for growing families. Recent developments adjoining the Broughton settlement have increased the type of housing available in the local market, however it is clear there has been a focus on larger family homes which have not remedied the situation in providing choice of smaller dwellings to meet the needs of an ageing population as demonstrated by Table 13.

	Number of properties in 2011	Number of properties in 2021	% change
1 bed	39	35	-11%
2 bed	112	127	+13%
3 bed	339	397	+17%
4 or more beds	246	397	+60%

Table 13 – Broughton housing availability typologies

8.69 The Appellant is committed to addressing the identified need within Broughton, Preston and the Central Lancashire Area and therefore seeks to specifically provide 10% of the

51 dwellings as accommodation for the over 55s. The dwellings would be restricted for sale to over 55s in perpetuity.

- 8.70 In addition, an expression of interest from Liberty Living (Appendix 6) who are part of a wider group of companies of Liberty Properties that have amassed an experience over the past 35+ years in development residential for retirement, extra care and care home sectors. The letter confirms a "keen interest" in taking on the over 55s units. The letter refers to evidence from Lancashire County Council's 'Housing with Care and Support Strategy 2018-2025' with a significant need for new modern apartment or housing-led development to facilitate independent living. It outlines there is a current older person housing need of **165 dwellings** in Preston.
- 8.71 The Core Strategy and the Preston Local Plan did not seek to meet a specific number of older people homes in its policies. Para 63 of the NPPF requires LPA's that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies". The appeal proposals are in response to there being an evidenced newly arising (and worsening) need in Broughton and the borough. The recent update to the NPPF also explicitly recognises that the provision of homes for older people includes that for retirement housing. In my view, the above evidence clearly represents a 'local need' as allowed by Policy 1 of the CLCS.
- 8.72 The location and design of these units would be agreed at Reserved Matters Stage, but the commitment to an over 55's age restricted provision is to be secured via a planning obligation.
- 8.73 A Freedom of Information request made by the Appellant on 22nd November requested information on the net number of dwellings completed in Preston since 2010 which are for older people. A response was received on 14th December (Appendix 7) confirms that PCC does not hold this information. A link was provided to the Monitoring Report which also does not provide this information.
- 8.74 There are many appeal decisions where the provision of housing to meet older people's need was a benefit. Inspector Woodward in Burnham-on-Crouch⁴⁵ gave "very substantial positive weight". Inspector Kirby allowed an appeal for the provision of 42 retirement apartments and remarked:

83. Moreover, it must be borne in mind that the homes that would be provided in this case are specialist older persons accommodation, for which the Planning Policy

⁴⁵ §53 of CD6.25

Guidance (PPG), describes the need as critical. There is an established need for such accommodation, and it has been identified that demand is growing. I am mindful of paragraph 62 of the Framework, which states that, in the context of delivering a sufficient supply of homes, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including for older people.

84. The need for such accommodation has been established, within the West of England Local Housing Needs Assessment (2021), as 3,669 units of owned sheltered housing in 2035, and a current need of 2,624 units. Against this the Council have, in recent years provided very limited amounts of specialist older persons' accommodation, and, whilst there is dispute regarding the exact number, the figure provided by the appellants of 40 since 2019, indicates a very low quantum of delivery, which is not contradicted in evidence.

85. The Council have identified that they do not receive significant numbers of applications for this type of housing. This would seem to be because suitable sites, in locations appropriate to accommodate the specific needs of future occupiers, in terms of access to services, transport and other factors, are scarce, and this scarcity results in high levels of competition with uses who seek similar locations, such as convenience stores.

86. The development plan has no specific policy for the delivery of sites, and no allocated sites are allocated for such development. Further, there is no foreseeable resolution proposed. In this vacuum and with no likely solution to resolve this in the near future the contribution that would be made by the proposal to the availability of owned sheltered housing for older persons attracts very substantial weight by virtue of the provision as specialist housing. [My emphasis]

8.75 In Dunton⁴⁶, Inspector Owen gave substantial weight to the benefit of 16 dwellings because it responded to a need which was "acute". In Chinnor, Inspector Kirby allowed an appeal for 54 age restricted older people homes and gave significant weight to the benefit by concluding:

90. The provision of specialist housing for the elderly, including affordable housing at a time when there is an identified need in the locality and which accords with the

⁴⁶ CD6.14

development plan is a public benefit which carries significant weight in favour of the proposal.

- 8.76 In addition, as the appeal proposals would provide 4% M4(3) wheelchair accessible homes, with all other properties M4(2) standard, thereby helping to future-proof homes for an aging occupier, these too would assist with meeting the needs of older people. The proposals would also align well with CS Strategic Objective 8 - *To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as in more rural areas.*
- 8.77 Taking all of the evidence together, we therefore attribute **substantial weight** to the provision of older people's housing in a settlement which has been demonstrated to be a sustainable location for this type of housing.

Accessible and adaptable homes

- 8.78 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. As with homes for older people, this is a newly arising need not met by existing development plan policy. The Iceni 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.**
- 8.79 The Core Strategy and the Preston Local Plan did not seek to meet a specific number of adaptable homes in its policies. Para 62 of the NPPF requires LPA's that *"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"*. The appeal proposals are in response to there being an evidenced **unmet need of 421 homes in Preston** of wheelchair user dwellings and a **need for 4% of homes to be M4(3)** wheelchair accessible.
- 8.80 PCC's position as set out in the Committee Report does not disagree in respect of need for this type of accommodation, but they state as follows in respect of location... *"The entrance to the application site is located 350m south of the centre of Broughton village, which contains a limited selection of services and facilities. Bus stops are located 180m north and 275m south of the site which at their peak, offer half hourly bus*

services south to Preston city centre and hourly buses north to Lancaster and Morecambe". This statement is worded to align with the LPA's position in respect of the sustainability of Broughton as a settlement. I will not rehearse my position regarding the LPA's stance in this respect (see Section 9 of this Statement), but it is salient to reiterate that preceding appeal decisions relating to recent development proposals within and surrounding Broughton have clearly established the LPA's stance in this respect to be unsubstantiated.

- 8.81 A Freedom of Information request made by the Appellant on 22nd November requested information on the net number of dwellings completed in Preston since 2010 which meet M4(2) or M4(3) standards. A response was received on 14th December (Appendix 7) confirms that PCC does not hold this information. A link was provided to the Monitoring Report which also does not provide this information.
- 8.82 Therefore, the only way to analyse the provision of dwellings which meet M4(2) or M4(3) standards are to review the existing and future supply. I have undertaken this research at Appendix 2. My considerable detailed analysis of the current and future supply of homes in Preston shows that only 82 new homes cater to M4(2) accessible and adaptable standards and none of the new supply will explicitly cater to any M4(3) wheelchair standards⁴⁷. This confirms that there has been barely any provision of these homes. This is no surprise, as the Core Strategy and Local Plan did not seek to provide for these needs and there is no requirement to compel allocations to provide them either.
- 8.83 There are 26.9% of households across Preston with at least 1 person disabled under the Equality Act, and 6.7% with at least 2 people. In Broughton parish specifically, 26.3% of households had at least one person with a long-term health problem or disability in 2011.
- 8.84 The provision of M4(2) and M4(3) standard homes on the appeal scheme would assist with ensuring homes can adapt more easily to changing circumstances, particularly as the process of aging can come with disabilities. The appeal proposals would help new older occupants stay in their homes for longer or attract those elsewhere looking to downsize. This is a benefit specifically in Broughton as the Census data shows (Table 12 above) the population in Broughton is aging (539 people over 65's) with a high number of one-person households (215 households) who could downsize to release larger properties for younger growing families or the needs of ethnic minority communities.

⁴⁷ I have reviewed each application's officer report, planning statement, Section 106 document, decision notice and any design-related documents.

374 people living in Broughton parish at the time of the 2021 Census are recorded as disabled under the Equality Act.

- 8.85 In Dunton⁴⁸, Inspector Owen gave substantial weight to the benefit of 16 dwellings because it responded to an identified housing need which was “acute”. In my view, the above evidence clearly represents a ‘local need’ as allowed by Policy 1 of the CLCS.
- 8.86 In summary, the proposed development offer, secured by condition⁴⁹, will assist with directly meeting these needs in a location that has been deemed sustainable, 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.
- 8.87 I give this benefit **substantial weight** in the planning balance.

Ethnic Minority Groups

- 8.88 It is common ground that the HNDA report (CD4.09) identifies 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 recognise the needs of identified ethnic minority groups, particularly those from the Asian community⁵⁰. This assessment of housing needs for the area correctly responds to §60 and §63 of the Framework. The HNDA sets out that the majority of people from these ethnic minority groups would move to a larger market property (29.6%) rather than affordable rented (17.4%) or affordable home ownership (19.75).
- 8.89 The authors of the HNDA report⁵¹ undertook wide stakeholder consultations with Preston Asian Housing Engagement Group. The engagement concluded, inter alia:
- *“A need to recognise the specific needs of the Asian community when considering housing need. The group were concerned that despite existing evidence of the needs from Asian households, this has not filtered into strategic thinking”;*

⁴⁸ CD6.14

⁴⁹ A condition for the provision of M4(2) and M4(3) homes was satisfactory to Inspector Young in Elsenham (see Condition 15 of CD6.21)

⁵⁰ The HNDA (2022) specifically refers to these communities as ‘BAME’. However, I understand this term is no longer recommended for use by the Government so I have used the term ‘ethnic minority groups’.

⁵¹ §4.67 of CD4.09

- *“There is a need for larger 5-6 bedroom dwellings, and the group reported about 30% of Asian households are overcrowded”;*
- *“There needs to be a better understanding of the cultural and religious needs of Asian households. For instance, there is a lack of new provision for multi-generational families and living in proximity to mosques and temples is important”.*

8.90 The latest Census 2021 data confirms that 27.5% of the population of all ages living in Preston are non-White; 20.2% are specifically Asian. In Broughton parish, 20.4% of the population is non-White; the Asian community in Broughton parish represents 16.2% of the population. This is a significant increase in Broughton since the 2011 Census recorded just 3.3% of the population were Asian. As the ethnic minority community in Broughton create new families, the need for homes to meet their requirements will also increase. There is no evidence to suggest the population will decline or stagnate. In my view, the above evidence clearly represents a ‘local need’ as allowed by Policy 1 of the CLCS and this will continue with the delivery of the new mosque within walking distance of the site.

8.91 There's many different factors driving demand for larger homes for multi-generational living even for those not within ethnic minority groups⁵² but, there is a specific lack of new build homes for this lifestyle, and evidence suggests most people are retrofitting older properties⁵³. That can be expensive, time-consuming and usually comes with all kinds of compromises.

8.92 The proposed development seeks to go further than the recommendations of the HNDA by providing a minimum of 5% larger homes with 5 or more bedrooms, to assist with meeting the identified needs of this community⁵⁴. In addition, the approval by the Secretary of State for a mosque within Broughton parish (CD6.16) in January 2023, which is walking distance from the site, would likely mean people from this ethnic minority group would be likely purchasers.

8.93 The Appellant has reviewed how best this need could be met and, following discussions with the Council and Mr. Bullock consider that a condition would be more suitable than an obligation. The larger properties, secured by condition, aims to meet the needs of minority groups and those with multi-generational housing needs. The Appellant's discussions with Mr. Bullock, on 8th January 2024, confirmed that it was not an intention

⁵² CD8.15

⁵³ CD8.16

⁵⁴ As opposed to 5% with 4 or more bedrooms.

of the HNDA report to suggest that a proportion of new housing should be restricted for sale to an ethnic group. Mr. Bullock also agreed that if the proposals seek to provide a proportion of larger homes which are not restricted for sale to an ethnic group, then this would still be positive and create "space in the market" for ethnic minority groups.

- 8.94 In light of the change from an obligation restricting sale of at least 5% larger homes to ethnic minority groups, to a condition without the sale restriction, I have tempered the positive benefit to this from that set out in my Statement of Case.
- 8.95 There are no adopted development plan policies or allocations which force developers to provide larger homes of 5 or more bedrooms to help meet this identified need. In addition, the letters from companies who operate in the area confirm that the demand of larger homes outstrips supply (Appendix 13 and 15).
- 8.96 I give this benefit **significant weight** in the planning balance.

Open Space

- 8.97 It is common ground that the proposed quantum of Public Open Space is significantly in excess of that required by the adopted development plan. In addition, it is agreed the policy requirement for 51 dwellings to provide open space⁵⁵ is 685 sqm as mitigation and the appeal proposal provision is **10,700 sqm** (see Parameter Plan at CD) and that this is **over 15 times the minimum requirement**. This was driven by the fact it is common ground that a recent survey (CD8.11) undertaken by the parish council showed that the provision of more open space is a priority for the community (80% in favour). In my view, this clearly represents a 'local need' as allowed by Policy 1 of the CLCS. The Council also agreed the proposed open space is "sizeable". I believe the creation of publicly accessible open space would likely result in an overall improvement in the environment and amenity of the area and, due to the site's location close to a main walking/cycling route and to existing community facilities and features, would be a benefit not just for future occupants of the scheme but also the wider community.
- 8.98 It is agreed that the quantum of open space can be controlled by way of a condition of the parameters plan and would help secure a buffer to nearby heritage assets. It is agreed the maintenance and management of public open space can be secured through the S106 obligation.

⁵⁵ Specifically amenity greenspace and provision for children and young people

8.99 In the context, of the recent parish community survey suggesting more public open space as the most requested popular community facility (80%), I give this positive benefit **moderate weight** in the balance, although I feel this is conservative.

Biodiversity Net Gain

8.100 The appeal proposals have been assessed using the most up-to-date Biodiversity Metric 4.0 Calculation Tool. The proposals provide a +30.08% habitat gain and +22.37% gain in linear units as evidenced by ERAP in December 2023 (Appendix 8). It is common ground that there is no adopted policy requirement to provide more than 0% and the 10% requirement envisaged by Section 98 of the Environment Act 2021 has yet to be commenced. The Council gave this limited weight in the balance on the basis the proposals were not supported by an up-to-date biodiversity calculation. This has now been provided and shows the proposals are well in excess of the net gain achieved on the original application using the 2.0 Biodiversity Metric. ERAP ecologists consider that significant weight should be given to this net gain.

8.101 In addition, there are a number of appeal decisions where significant weight is attributed to a biodiversity net gain less than in these proposals. Inspector Downes in Guildford gave significant weight to a 17.91% net gain habitat units⁵⁶ and Inspector McGlone in Dorking gave significant weight to a 20% net gain⁵⁷.

8.102 As the biodiversity net gain demonstrated is well in excess of any mitigation requirements by adopted policy (0% net gain), the Appellant gives this benefit **significant weight** in the balance.

Bus stop infrastructure

8.103 The appeal proposals will provide bus stop upgrades in the locality. This will benefit the wider public as well as residents on the appeal scheme and help to improve the attractiveness of using sustainable modes of transport. This also aligns well with Strategic Objective 3 of the Core Strategy - *to reduce the need to travel, manage car use, promote more sustainable modes of transport and improve the road network to the north and south of Preston* – and Strategic Objective 4 - *To enable easier journeys into and out of Preston City Centre and east/west trips across South Ribble, improve movement around Chorley, as well as safeguard rural accessibility, especially for mobility impaired people.*

⁵⁶ §80 of CD6.18

⁵⁷ §92 of CD6.19

8.104 It is common ground to give this positive benefit **moderate weight** in the balance.

Vitality of Community

8.105 Whilst the accessibility of the site to existing Broughton facilities and services is a neutral factor, the support given to their viability, and to the general vitality of the community, is a public benefit in its own right.

8.106 Long term benefits attributed to the proposed development and future occupation from residents would also be realised. Appendix 11 sets out the detailed calculations of these benefits arising from the appeal proposals. In summary, these include:

1. Significant construction economic benefits during operation, including:

a. **£280,500** of 'first occupation' expenditure;

b. **£1.24 million** total gross expenditure per annum.

2. Contribution to local authority revenues, including:

a. **£160,000 per annum** in additional council tax payments

8.107 Development of the site will support local job creation and bring about a boost to local spending and household expenditure on services and amenities within Broughton. With the potential to attract a young, economically active population to the local area this will further promote the vitality and viability of Broughton and the wider HMA.

8.108 This approach is supported by the Jepps Lane, Barton Inspector (CD6.22). He noted that:

28. ...Upon occupation, the additional household expenditure would help secure the viability of the existing services within the settlement. Whilst the accessibility of the site to existing Barton services is a neutral factor, the support given to their viability, and to the general vitality of the community, is a benefit. I attach moderate weight overall to these local socio-economic benefits.

8.109 One of the key economic priorities for Preston, as set out in the Central Lancashire Economic Regeneration Strategy⁵⁸, is 'improving business creation, retention and growth rates'. Supporting increased opportunities for local business and employment through activities such as housebuilding is therefore one way of encouraging such

⁵⁸ Central Lancashire Economic Regeneration Strategy 2026 (p.16)

business benefits. Indeed, the housebuilding in Broughton to date will have undoubtedly assisted in the viability and vitality of the businesses currently in Broughton and helped support the improving sustainability position; a factor supported by §83 of the Framework.

8.110 In addition, it is also a benefit of the proposals to improve the variety and balance of housing in Broughton to meet different needs. It is particularly important for Broughton as the latest Census data shows an aging population, a 33% decrease in home ownership and a +92% increase in the economically inactive. The provision of a greater range of homes on offer that help create a more mixed community would align with the policy objectives of the Framework. My comments are strongly supported by Inspector Ridge in Forest Grove, Barton⁵⁹, which is a settlement just north of Broughton, as well as Inspector Hayden in Euxton⁶⁰.

8.111 I attach **moderate weight** overall to these benefits in improving the vitality of the community.

Construction benefits

8.112 Paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system.

8.113 Appendix 11 sets out the detailed calculations of construction benefits arising from the appeal proposals. In summary, these include:

1. The generation of significant economic benefits during construction including:
 - a. **62 direct FTE construction jobs** per annum;
 - b. **76 indirect and induced FTE jobs** per annum;
 - c. **£4.0 million** of direct GVA; and
 - d. **£4.9 million** of indirect and induced GVA.

8.114 Within Preston, there are approximately 4,300 people are employed in the construction industry⁶¹. The Appellant has committed to securing local employment opportunities and skills through a condition in accordance with the Employment Skills SPD (2017). Therefore, whilst the overarching construction benefits are of significance, the actual value of this construction activity should not be underestimated within the Preston area

⁵⁹ §63 of CD6.21

⁶⁰ CD6.20

⁶¹ Nomis Web Local Authority Profile

where there is clear commitment for those benefits to be focused on the localised workforce. My comments are supported by Inspector Hayden in Euxton⁶².

8.115 For the above reasons, I attribute **moderate weight** to these economic benefits.

Planning Balance

8.116 My planning balance is summarised in the table below:

Benefits	Positive Weight	Harms arising from any policy conflicts	Weight
Market Housing – up to 31 homes	Substantial	Conflict with Policy 1	None
Affordable Housing – 40% (up to 20 dwellings) of which 25% will be First Homes	Substantial	Conflict with Policy EN1	None
Older People Housing (Over 55s Retirement) – 10% of all homes	Substantial	Conflict with Policy RES1	None
Accessible, adaptable & wheelchair dwellings – 96% M4(2) and 4% M4(3) of all homes	Substantial		
Larger Homes aimed at Ethnic Minority Groups – minimum 5% of all homes to be 5+ bedrooms	Significant		
Biodiversity Net Gain – Proposed development achieves +30.08% habitat gain and + 22.37% hedgerow gain	Significant		
Upgrades to bus stops – 2 bus stop upgrades on Garstang Road	Moderate		
Public Open Space – 1.07 hectares (40% of site)	Moderate		
Vitality of Community – spend in Broughton, supporting jobs & services, improving variety & balance of housing in Broughton	Moderate		
Construction benefits – jobs and GVA in the economy	Moderate		
Energy efficiency & EVC Points	Limited		

⁶² CD6.20

- 8.117 I am of the view that even with the weighting set out by PCC, this still amounts to a tipping of the planning balance in favour of granting permission. However, it is also my contention that there is a clear undervaluing of certain aspects in PCC's weighting, particularly in respect of provision of specialised needs accommodation set out in up-to-date studies commissioned and published by the Council.
- 8.118 In conclusion I have followed the process required by NPPF paragraph 12 that the development plan is the starting point for decision making. It is my primary case that the development accords with the development plan as a whole and so planning permission should be granted. The proposals are informed by the latest evidence published by the Council and, coupled with the sustainable location of the site, represents good planning.
- 8.119 In the event the Inspector concludes that the proposals do conflict with the development plan as a whole, because of conflict with specific policies, I consider that there are a range of other policies that support the proposals⁶³ and there are material considerations of substantial weight in this particular case that limit the harm arising from any conflict and thus indicate the plan should not be followed in accordance with NPPF paragraph 12. This approach is not in any way a new or novel feature of planning decisions; material considerations (as here, substantial public benefits) can outweigh conflict with a development plan.
- 8.120 Alternatively, as none of the most important policies for the determination of this appeal accord with §60 and §63 of the Framework in assessing and reflecting the identified needs of different groups in the community with specific housing requirements (as this appeal seeks to respond to) then, when taken together with the other out of date policies, the most important policies for the determination of the application are out of date⁶⁴ and the tilted balance is engaged. In this context, the adverse impacts do not significantly and demonstrably outweigh the substantial benefits.
- 8.121 Taken as a whole, the proposed development clearly constitutes 'sustainable development' and delivers on all three strands of economic, social and environmental objectives.

⁶³ See Appendix 1

⁶⁴ As set out by Dove J in *Wavendon Properties Limited v Secretary of State for Housing, Communities and Local Government*.

8.122 Subject to appropriate conditions and obligations, I respectfully invite that the Appeal is allowed and planning permission granted.