

PRESTON CITY COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990

PROOF OF EVIDENCE

OF

LAURA HOLDEN MPLAN

SENIOR PLANNING OFFICER

(DEVELOPMENT MANAGEMENT)

Appeal Site: Land west of Garstang Road, Broughton, Preston, PR3 5JA

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

Planning Inspectorate Ref: APP/N2345/W/23/3330709

Preston City Council Ref: 06/2023/0030

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APPENDICES

Appendix A – Proof of Evidence prepared by Carolyn Williams

1. INTRODUCTION

- 1.1 I am Laura Holden, and I am employed as a Senior Planning Officer in Development Management at Preston City Council. I have over 6 years' experience of Development Management work at three local planning authorities across the north of England.
- 1.2 I hold a Master of Planning degree which is accredited by both the Royal Town Planning Institute (RTPI) and the Royal Institution of Chartered Surveyors (RICS). I am a Licentiate member of the RTPI.
- 1.3 The Proof of Evidence is made in support of the Council's decision to refuse outline planning permission for the proposal. I shall consider the relevant policies of the development plan and any material considerations which may outweigh the conflict with the development plan.

Statement of Truth

- 1.4 The content contained within this Proof is true to the best of my knowledge. In submitting this Proof, I confirm that I have complied with my professional requirements as set out in the Royal Town Planning Institute Code of Professional Conduct, and I confirm the opinions expressed are my true and professional opinions.

2. BACKGROUND

- 2.1 This Proof of Evidence is submitted on behalf of Preston City Council in connection with the outline planning application for access from Garstang Road for residential development for up to 51no. dwellings with associated works (all other matters are reserved).
- 2.2 The description of the site and the proposal have been described in the Statement of Common Ground (CD 8.12) and is not repeated here.
- 2.3 The planning application was presented to Members of the Planning Committee on 30th March 2023 with an officer recommendation for refusal and Members resolved to refuse the planning application for the following reason:

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

of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and Policy RES1 of the Broughton Neighbourhood Development Plan”.

3. THE DEVELOPMENT PLAN

3.1 There is a statutory requirement that all planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is reiterated in paragraphs 2 and 12 of the National Planning Policy Framework (The Framework) Paragraph 12 emphasises that the Framework "...does not change the statutory status of the development plan as the starting point for decision making."

3.2 The Development Plan for this appeal consists of:

- The Central Lancashire Core Strategy, adopted July 2012;
- The Preston Local Plan 2012-26 (Site Allocations and Development Management Policies DPD), adopted July 2015;
- The Broughton Neighbourhood Development Plan, adopted 2018.

3.3 These have been found at examination to be in conformity with the NPPF.¹

¹ Whilst the Central Lancashire Core Strategy was prepared prior to the adoption of the NPPF in 2012, it was found at examination to be compliant with national policy and therefore sound. See paras 37-39 of the Report on the Examination into the Central Lancashire Publication Core Strategy Local Development Framework Development Plan Document (CD4.02)

3.4 The relevant policies from the Development Plan are listed in the table below.

The policies highlighted in bold are considered to be the most important in the consideration of this appeal.

Central Lancashire Core Strategy (CLCS)	The Preston Local Plan (PLP)	Broughton Neighbourhood Plan (BNP)
<ul style="list-style-type: none"> • Policy 1 – Locating Growth • Policy 3 – Travel • Policy 4 – Housing Delivery • Policy 5 – Housing Density • Policy 6 – Housing Quality • Policy 7 – Affordable and Special Needs Housing • Policy 14 – Education • Policy 16 – Heritage Assets • Policy 17 – Design of New Buildings • Policy 18 – Green Infrastructure • Policy 19 – Areas of Separation and Major Open Space • Policy 21 – Landscape Character Areas • Policy 22 – Biodiversity and Geodiversity • Policy 26 – Crime and Community Safety • Policy 27 – Sustainable Resources and New Developments • Policy 29 – Water Management • Policy 30 – Air Quality • Policy 31 – Agricultural Land 	<ul style="list-style-type: none"> • Policy ST1 – Parking Standards • Policy ST2 – General Transport Considerations • Policy EN1 – Development in the Open Countryside • Policy EN2 – Protection and Enhancement of Green Infrastructure • Policy EN4 – Areas of Separation • Policy EN7 – Land Quality • Policy EN8 – Development and Heritage Assets • Policy EN9 – Design of New Development • Policy EN10 – Biodiversity and Nature Conservation • Policy EN11 – Species Protection • Policy HS3 – Green Infrastructure in New Housing Developments 	<ul style="list-style-type: none"> • Policy NE2 – Visual Impact of New Development • Policy RES1 – Broughton Village – Housing Development Sites as an extension to the defined settlement boundary. • Policy RES2 – Broughton Village Housing Mix • Policy NE3 – Drainage • Policy CF1 – Guild Wheel, Public Footpaths and Bridleways

Consistency with the Framework

3.5 Core Strategy Policy 1 promotes the spatial strategy for growth across Central Lancashire. For Preston this means focussing growth and investment in the main urban area (comprising of the Central Preston Strategic Location and adjacent inner-city suburbs), the Cottam Strategic Site, the North West Preston Strategic Location and the Key Service Centre of Longridge. Policy 1 does not unreasonably constrain the ability of Preston to accommodate its local housing need calculated by way of the standard methodology. In doing this, CS Policy 1 provides a spatial strategy which directs the scale and location of growth in a manner which is consistent with the Framework's objectives for achieving sustainable development. Core Strategy Policy 1 is broadly consistent with the Framework, by setting out an overall strategy for growth across Central Lancashire and bringing sufficient land forward in the most sustainable locations, including brownfield, to address development needs over the plan period.

3.6 Core Strategy Policy 4 is based on a manual redistribution of the housing requirement set out in the Regional Strategy for the North West, adopted in 2008. The methodology was derived from the then extant Planning Policy Guidance Note 3 - Housing and demographic trends between 1998 and 2003. Whilst the age of the policy is not, on its own, indicative of it being out-of-date, the base evidence is and the methodology for calculating Local Housing Need has materially changed. The difference between the housing requirement in Core

Strategy Policy 4 and that generated by the standard methodology is a significant change that renders this policy out-of-date. Core Strategy Policy 4 is therefore, not consistent with the Framework.

3.7 Core Strategy Policy 7 requires proposals to enable sufficient provision of affordable and special needs housing to meet needs by, amongst other things, requiring 35% of new dwellings in rural areas on sites in or adjoining villages to be affordable. Paragraph 34 of the Framework requires plans to set out the contributions expected from developments, including setting out the levels and types of affordable housing. Policy 7 is therefore consistent with the Framework.

3.8 Policy EN1 limits development in the open countryside to certain specified developments, but clearly permits development in certain circumstances. A restriction on built development in the open countryside would protect openness and character, recognising the intrinsic character and beauty of the countryside in line with paragraph 180 of the Framework, however it is not the primary purpose of Policy EN1. The purpose of the policy is to support the spatial strategy of the CS Policy 1 in directing development to more sustainable higher order centres. In recognising the importance of protecting the open and rural character of the countryside, there is nothing in the policy that requires the decision-maker to undertake an assessment of the landscape and visual impact of a proposal and exercise a judgement as to the influence a development would have on the openness and/or rural character of an area. Policy EN1 plays a central role in the

delivery of the adopted spatial strategy and is therefore consistent with the Framework.

3.9 Policy EN4 specifies three areas of separation within Preston to protect the rural gap between settlements and seeks to prevent development within these areas that would compromise the function of the rural gap. The policy requires a visual assessment of the landscape and visual impact of a proposal in order to maintain the openness between settlements, recognising the intrinsic character and beauty of the countryside in line with paragraph 180 of the Framework. Policy EN4 is therefore consistent with the Framework.

3.10 BNDP Policy RES1 allocates small-scale housing developments at three specific sites within the plan area removing the potential to allow significant expansion of the village beyond that generally provided for in the development plan policies. BNDP Policy RES1 is therefore consistent with the Framework.

3.11 BNDP Policy RES2 requires residential development of more than 10 dwellings to provide a range of housing to meet local needs. This is consistent with paragraph 82 of the Framework which requires planning policies and decisions to be responsive to local circumstances and support housing developments that reflect local needs in rural areas. BNDP Policy RES2 is consistent with the Framework.

4. THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 4.1 The Appellant and the Council agree that the proposals are not the type of development deemed permissible in the open countryside by LP Policy EN1 and BNDP RES1. The conflict with LP Policy EN1 and BNDP Policy RES1 is therefore a matter of agreement. (CD 8.12 - Statement of Common Ground)
- 4.2 The Council disagrees with the Appellant that the proposed development would comply with CS Policy 1 and LP Policies AD1(a)/AD1(b). The conflict with these policies will be discussed below.

Core Strategy Policy 1

- 4.3 CS Policy 1 seeks to *“Focus growth and investment on well-located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas.”*
- 4.4 Core Strategy Policy 1 is broadly consistent with the Framework, by setting out an overall strategy for growth and bringing sufficient land forward in the most sustainable locations, including brownfield, to address development needs over the plan period, as discussed above in Paragraph 3.5.

- 4.5 The appeal proposes up to 51no. dwellings on a greenfield site outside of the village boundary of Broughton. Therefore, the appeal site is not considered to be a well-located brownfield site, an identified strategic location, within a Key Service Centre or main urban area.
- 4.6 Other places, being within the open countryside, such as the appeal site are at the bottom of the hierarchy identified in Policy 1 and therefore, is assessed against Policy 1(f).
- 4.7 Criterion 1(f) of CS Policy 1 states that *“In other places - smaller villages, substantially built-up frontages and Major Developed Sites - development will typically be small scale **and** limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.”*
- 4.8 As highlighted above, there are two tests to this part of the policy, the first being that the proposal should typically be small scale. The second part of the test is that the proposal is either limited to appropriate infilling, conversion of buildings and proposals to meet local need.

Small scale

4.9 When considering the first part of the test, whilst there is no definition of small scale in the Core Strategy, the proposed development is for 51no. dwellings which is categorised as major development as per the Town and Country Planning Development Management Procedure Order 2015 (as amended). Therefore, it is not considered to be small scale.

4.10 Within the Broughton settlement the following small-scale developments have been approved and completed in accordance with Policy 1(f):

Application Site	Completions over plan period (Apr 2012 - Apr 23)
36 Woodplumpton Lane, Broughton, Preston, Lancashire, PR3 5JJ	1
47 Whittingham Lane, Broughton, Preston, PR3 5DA	3
503 Downing, Garstang Road, Preston, PR3 5JA	1
51 Whittingham Lane, Preston, PR3 5DA	1
Burrow House, Barton Hall, Garstang Road, Preston, PR3 5HE	1
25 Woodplumpton Lane, Preston, PR3 5JJ	1

4.11 Within the Broughton Parish, outside of the settlement boundary, the following small-scale developments have been approved and completed in accordance with Policy 1(f):

Application Site	Completions over plan period (Apr 2012 - Apr 23)
Church Hill Cottage, Durton Lane, Broughton, Preston, Lancashire, PR3 5LD	4
Ridge Croft, Durton Lane, Preston, PR3 5LE	1
Durton Cottage, Durton Lane, Preston, PR3 5LE	1
Land at D'urton Lane, Broughton, Preston, PR3 5LD	7

4.12 The above demonstrates housing delivery in accordance with the hierarchical spatial strategy, within the settlement boundary of Broughton and the wider parish. The same delivery approach is occurring across the entire district of Preston, where Policy 1(f) applies.

4.13 The Framework at paragraph 70(a) has now clarified what small scale sites constitute. Paragraph 70(a) of the Framework states that small and medium sites are no larger than one hectare. The appeal site is 2.57 hectares and therefore, is not considered small scale.

4.14 Therefore, based on the above definitions and completions, it is not considered the proposed development of 51no. dwellings is small scale.

4.15 Additionally, the policy also permits large scale redevelopment schemes where there are exceptional reasons, but typically/more often than not, the policy will allow small scale development limited to appropriate infilling, conversion of

buildings and proposals to meet a local need as demonstrated above. In this case, the proposed development is not small scale and would clearly not represent redevelopment as the site has not been developed before.

Infill

4.16 With regards to infill, whilst neither the Core Strategy, Local Plan, or the Framework includes a definition of what constitutes infill development, an appeal decision for a dwelling on land associated with 92 Darkinson Lane, Preston (CD 6.30) notes that infilling normally refers to a plot in an otherwise built frontage (para 7). The Inspector also refers to the Planning Portal definition of infill development which is development of a relatively small gap between existing buildings, and whilst the Inspector acknowledges that this is not national policy of guidance, does state that "...it is an accepted definition that reflects common usage of 'infill' as a relating to the filling of a gap, a hole or a hollow" (para 7)."

4.17 Within the SoCG it is agreed that LP Policy EN1 states that development within the open countryside will be limited to "infilling within groups of buildings in smaller rural settlements". The appeal site is not within a smaller rural settlement and therefore, this definition of infill is not considered relevant to the appeal site.

4.18 It is considered more appropriate to use the definitions of infill as detailed above in paragraph 4.16.

4.19 The appeal decision at 92 Darkinson Lane, Preston (CD 6.30) describes infill as normally referring to a plot in an otherwise built frontage (para 7). In this context the appeal site fronts onto Garstang Road, directly to the north, facing onto Garstang Road, is the large residential garden to the side of no 485 Garstang Road. To the south of the appeal site, also facing onto Garstang Road, is a single lane track, with an open field beyond. It is therefore, considered the appeal site is not a “plot within an otherwise built-up frontage”.

4.20 Furthermore, as mentioned above, the Planning Portal definition of infill development is *“The development of a relatively small gap between existing buildings”*. The appeal site is 192m wide, when measured along Garstang Road. This is not considered to be a “relatively small gap” and given the site is not located between buildings, it is not considered the proposal complies with the Planning Portal definition of infill.

4.21 Additionally, the proposed parameters plan shows that the residential development will be to the north of the appeal site and an area of open space is proposed on the southern half of the site. This further demonstrates that the site would not “infill” a gap on Garstang Road as a gap will be maintained by the area of open space to the south.

4.22 The above sets out my position on infill, however the appellant argues that the appeal site would infill the separation between two housing developments

approved on appeal in April 2018² as set out in their Statement of Case (CD 8.17) In response, I do not agree given the separation between the sites and as none would be seen together either from within the sites or on the existing approaches to or routes through the village, the only way the appeal development could be considered infill would be on-plan. It is not considered the proposal would result in infill development as a consequence of recent housing developments within Broughton.

Local Need

4.23 The appeal scheme proposes the provision of market housing, affordable housing and specialist housing including housing for over 55s, larger homes (5+ bedroom), and Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable dwellings.

4.24 The Council's witness, Dr Michael Bullock, will be providing evidence on housing need within Broughton and Preston in relation to the above housing types. Dr Bullock's evidence states *"The local evidence of need in Broughton clearly shows the range of dwellings needed in the parish by size, type and tenure. This*

² Land off Sandy Gate Lane - APP Ref W/17/3179105 and Keyfold Farm, 430 Garstang Road - APP Ref W/17/3179177

evidence does not support the view that the proposed development is uniquely suited to meeting the housing needs of Broughton.”

4.25 Dr Bullock’s evidence is clear that the proposed development is not uniquely suited to meeting the housing needs of Broughton, however, as mentioned above the policy has two tests. The proposal fails to meet the first test of being small scale and should a conclusion on local need be reached that is different to that of Dr Bullock the appeal proposal does not comply with CS Policy 1 as a whole.

Local Plan Policy EN1

4.26 LP 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.”*

4.27 Policy EN1 limits development in the open countryside to certain specified developments, but clearly permits development in certain circumstances. The policy plays a central role in the delivery of the adopted spatial strategy and is therefore consistent with the Framework.

4.28 It is my position that the proposed development fails to comply with any of the exceptions stated in Policy EN1 and is not a proposal which accords with Policy HS4 and HS5, as such the proposed development fails to comply with Policy EN1. Furthermore, the conflict with this policy is agreed with the appellant in the Statement of Common Ground (CD 8.12).

BNDP Policy RES1

4.29 Policy RES1 states that 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: 522 Garstang Road - field to front of bungalow – 1.45 ha, 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, and Land to east and South of Broughton District Sports and Social Club - 0.75 ha. 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.

4.30 BNDP Policy RES1 allocates small-scale housing developments removing the potential to allow expansion of the village beyond that generally provided for in the development plan policies. BNDP Policy RES1 is therefore consistent with the Framework.

4.31 The site is not allocated within the Broughton Neighbourhood Development Plan for housing development. As stated above the proposed development is not the type of development permissible under Core Strategy Policy 1 or Local Plan Policy EN1 and so therefore, the development conflicts with Policy RES1 of the Broughton Neighbourhood Development Plan. The conflict with this policy is agreed with the appellant in the Statement of Common Ground (CD 8.12).

Conclusion

4.32 It is my position, that the proposed development of this site for up to 51no dwellings within the open countryside, would be contrary to CS Policy 1, LP Policy EN1 and BNDP Policy RES1, resulting in a development that fails to provide growth and investment in the right location and not in accordance with the spatial strategy. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The harm identified is striking at the very heart of the Development Plan spatial strategy for growth and the appeal site is therefore in direct conflict with that spatial strategy for growth, and such the conflict is a fundamental conflict with the Development Plan when taken as a whole.

Other Matters

Online Local Plan map

4.33 The appellant argues that the online Local Plan maps show the appeal site as adjacent to an “Existing Residential Area”. This is an error with the online Local Plan map, and this will be rectified in the near future. This is a policy matter and is covered in the Proof of Evidence provided by Carolyn Williams which is appended to this Proof of Evidence.

Local Plan Policy AD1(a)/AD1(b)

4.34 The appellant and the LPA disagree whether LP Policy AD1(a) is relevant to the appeal site. Policy AD1(a) relates to “Development within (or in close proximity to) the Existing Residential Area”. The supporting text states “*The existing residential area of Preston, identified as AD1(a) on the Policies Map is dominated by residential uses.*”. The appeal site is not identified as an area of “Existing Residential Area” on the policies map and therefore, AD1(a) does not apply.

4.35 LP Policy AD1(b) relates to “Small scale development within Existing Villages (including the development of brownfield sites)”. The supporting text for Policy AD1(b) states that “*Development within the following villages, identified as AD1 (b) on the Policies Map, will need to be in accordance with Policy AD1 (b): Barton,*

Broughton, Goosnargh, Grimsargh, Lea Town, Woodplumpton.” Therefore, development within the boundary of Broughton will need to comply with Policy AD1(b). The appeal site is outside of the village boundary of Broughton, within the open countryside, and therefore, Policy AD1(b) does not apply.

4.36 The Inspector for the joint Inquiry at Keyfold Farm (Appeal Ref: APP/N2345/W/17/3179177) (CD 6.05), which is located to the east of the appeal site, on the opposite side of Garstang Road, and Land off Sandy Gate Lane (Appeal Ref: APP/N2345/W/17/3179105) (CD6.04), located to the west of the appeal site, states the following: *“Moreover, it is clear that both appeal sites are effectively outside the Rural Settlement Boundaries indicated on the Policies Map for the purposes of Policy AD1(b) of the Local Plan and hence within the Open Countryside for development plan policy purposes.”* The Inspector in these appeals makes no reference to the appeal site being “in close proximity to the existing residential area”, furthermore, the Inspector does not reference Policy AD1(a) in the appeal decision. It is considered that a consistent approach should be taken and Policy AD1(a) is not relevant to the appeal site.

5 THE PLANNING BALANCE

5.1 It is my view that the proposal is contrary to Policy 1 of the Adopted Central Lancashire Core Strategy, Policy EN1 of the Adopted Local Plan and Policy RES1 of the Broughton Neighbourhood Development Plan, and the proposals must be assessed in respect of the statutory s.38(6) planning balance. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date 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.

5.2 The appellant's Statement of Case refers to the benefits that would, in their opinion, arise from the approval of this scheme and outweigh the conflict with the development plan. These include:

- Delivery of market dwellings

- Delivery of 40% affordable dwellings

- Delivery of specialist housing types to meet a housing need within the borough, which includes 10% of dwellings for over 55s, 5% of dwellings to

be larger homes (5+bedrooms)³ and all dwellings to be M4(2)/(3) adaptable and accessible dwellings.

- Open space
- Biodiversity Net Gain
- Improvements to the bus stop infrastructure
- Energy efficiency and electrical vehicle charging points

5.3 In addition, to the above benefits referred to by the appellant when engaging in the planning balance in the determination of this application, the Council also took into consideration the following factors that would arise from this development (if the proposal was to be approved):

³ These larger homes were originally proposed to be secured for ethnic minority groups but this was removed by the appellant from the proposal on 8th January 2024.

Harms

- The fundamental conflict with the Development Plan spatial strategy for growth;
- The less than substantial harm caused to the Grade II listed building, Bank Hall.

Neutral Matters

- Financial contribution towards the provision of school places.

5.4 The weight that the Council attaches to each of these issues is discussed below:

Delivery of market housing:

5.5 The appellant has agreed that the Council can currently demonstrate more than a five-year supply of housing. The appellant agrees with the Council that the Council can demonstrate a five-year housing land supply position of 12.6 years.

5.6 Whilst it is acknowledged that there is a national need for housing, this Council is clearly delivering housing in excess of its five-year requirement. Furthermore, the Inspector states in paragraph 19 and 21 of the appeal decision for Land north of Jepps Lane, Barton (Appeal ref: APP/N2345/W/21/3276293) (CD 6.22):

“19. A 6.1-year housing land supply is an amount that puts the Council in a robust position over not needing to look to sites beyond those planned for to meet the requirements of Framework paragraph 74. Therefore, there is no premium to the benefits of this proposal in terms of it supporting the required five-year supply of deliverable housing sites, which can be comfortably met.”

“21. This robust housing land supply position and very good delivery performance provides no strong imperative to increase the weight given to the benefits of this proposal. There is also little argument to the effect that the existence of the City Deal should either. This does not supplant the housing requirements of the development plan and evidently was a funding measure intended to help unblock infrastructure impediments to meeting those set out in CS Policy 4.”

5.7 The Inspector goes on to award significant weight to the scheme’s social benefits which includes the provision of market housing. Given the Council can demonstrate a robust housing land supply position, I consider that this benefit would carry significant weight in the planning balance. This is consistent with the appeal decision at Jepps Lane.

Delivery of affordable housing:

5.8 The submission details how the proposal would provide 40% on-site affordable dwellings (up to 20no. dwellings). As the site is within a rural area the required

provision would be 35%. The provision of 40% on-site affordable housing would result in an additional 2no. affordable dwellings above the minimum policy requirement required by CS Policy 7 and the Affordable Housing SPD.

5.9 It is acknowledged that there is a nationwide need for affordable housing and the appellant is seeking to provide above policy compliant affordable housing, however, this is only an additional 2no. affordable dwellings above the minimum policy requirement. Therefore, the provision of an additional 2no. affordable dwellings above the policy requirement does not justify departing from the spatial strategy.

5.10 Referring, again, back to the appeal decision at Jepps Lane, the Inspector states the following: *“The housing affordability problem in Preston is in common with that of much of the country. It is not a matter unique to Preston and, on that basis, ought not be a consideration that should weigh decisively against the adopted spatial strategy.”* (CD 6.22)

5.11 Furthermore, the Inspector accepted the Council’s point that the Core Strategy intentionally never sought to meet Central Lancashire’s affordable housing needs in full, and *“a failure to do so should not warrant the setting aside of a wider spatial strategy for sustainable growth.”* (CD 6.22).

5.12 I consider that significant weight can be given to this social benefit in the planning balance. This is consistent with the appeal decision at Jepps Lane.

Delivery of specialist housing

5.13 The appellant argues that the proposed delivery of specialist housing types will meet the housing need in Broughton as identified in The City of Preston Housing Need and Demand Assessment 2022 (HNDA) (CD 4.09). Since the Case Management Conference, the appellant has now confirmed the amount and tenure of the specialist housing as the following:

- 10% of dwellings to be secured for people over the age of 55 and these are proposed to be market dwellings.
- 5% of dwellings will be larger homes (5+ bedrooms)⁴
- 4% of the dwellings approved by this permission will be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining 96% of dwellings will be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 2015 edition.

⁴ As amended by the appellant on 8th January 2024.

5.14 Whilst housing need will be covered in Dr Michael Bullock's Proof of Evidence, this section will review the proposed specialist housing types and give weight to each house type in the planning balance.

Over 55s housing:

5.15 The appellant argues that the appeal which includes 10% of dwellings to be secured for people over the age of 55 will help meet the need for older people in Broughton as set out in The City of Preston Housing Need and Demand Assessment 2022 (HNDA) (CD 4.09).

5.16 The City of Preston Housing Need and Demand Assessment 2022 (HNDA) (CD 4.09) states there is a need for older person accommodation in both C2 and C3 use classes. In Preston, there is a need for 1,070 (between 2021-38) C3 dwellings and 833 C2 dwellings/bed spaces. Overall, across Preston, this means a total need of 106 dpa of older persons homes. However, this appeal scheme does not seek to provide any C2 dwellings/bed spaces and therefore, this means a total of 59 C3 dwellings are required across Preston per annum.

5.17 The Council is seeking to address the need for the C3 dwellings through the granting of the following planning permissions:

- 06/2020/1144 – Touch of Spice - 2no. part two/part three storey buildings containing 52no. affordable apartments for people aged over 55 (Class C3)

with associated landscaping, car parking and new access off Woodplumpton Lane – Approval with conditions

- 06/2018/0590 – Land at the junction of Cumeragh Lane and Camforth Hall Lane - 24no. bungalows for person aged over 55 with associated parking, landscaping and open space with access from Cumeragh Lane
- 06/2017/0676 & 06/2019/1109 – Land to the west of Preston Road, Grimsargh - Reserved Matters application (namely scale, appearance, layout and landscaping) for an older person's village for residents aged 55 and over comprising 60no. bedroom care home, 60no. apartments, 20no. bungalows, surgery, associated landscaping and open space pursuant to outline planning permission 06/2017/0676
- 06/2023/1165 – 639 Garstang Road, Barton - 4no. retirement (over 55's) single storey bungalows, new vehicular access, alterations to the existing Kopper Kettle building, and formation of new staff car park within the grounds of the Kopper Kettle. (not yet determined)

5.18 Notwithstanding the above, the Council is also seeking to address the need for C2 dwellings/bedspaces through the granting of the following planning permissions:

- 06/2020/1058 - Former Baffito's Restaurant and Bar, Navigation Way - Two and three storey 64no. bedroom care home and 16no. supported living apartments for adults with learning disabilities in a three-storey building, together with car parking, servicing and waste collection area, walkway and

landscaped grounds with access from Navigation Way, following demolition of former restaurant and bar.

- 06/2022/1215 – Land off Sandy Lane and to the south of the M55 – 89 bed care home (Class C2) with access road and car parking.
- 06/2019/1110 – Land to the west of Preston Road, Grimsargh – 30 bed care facility (Class C2) with associated car park and landscaping.
- 06/2023/0599 – Land at Sandy Lane – Reserved matters application (namely appearance, access, landscaping, layout and scale), pursuant to outline permission 06/2020/0966 and subsequent non-material amendment 06/2022/0670 for local centre development (care home)

5.19 The Council's witness, Dr Michael Bullock, will be providing evidence on housing need within Broughton and Preston in relation to the above housing types. Dr Bullock's evidence states *"The local evidence of need in Broughton clearly shows the range of dwellings needed in the parish by size, type and tenure. This evidence does not support the view that the proposed development is uniquely suited to meeting the housing needs of Broughton."*

5.20 Given 59 C3 dwellings per year for older persons homes are needed across Preston up to 2038, the planning application could be located anywhere in Preston and therefore, there is no need to depart from the spatial strategy as the need is not unique to Broughton. The above planning permissions, some of which

have been delivered, demonstrate that by applying the spatial strategy Preston is meeting the need for over 55s accommodation.

5.21 As the need is being addressed through the above recent planning approvals within existing settlements and will continue to be met in accordance with the development plan, there is no need to depart from the spatial strategy for this appeal site, therefore, only limited weight can be given to this benefit.

Larger homes (5+ bedrooms)

5.22 Since the Case Management Conference, the appellant and the Council worked together to agree the terms of the Section 106 agreement to secure the larger homes for ethnic minority communities. However, this could not be achieved. As a result, the appellant has amended their proposal and no longer proposes larger homes with restricted sale to those from an ethnic minority community. Instead, the appellant now seeks to provide 5% of the dwellings to have 5+ bedrooms which would be secured by planning condition, this would equate to 2 dwellings.

5.23 The City of Preston Housing Need and Demand Assessment 2022 (HNDA) (CD 4.09) recommends an action that 7.5% of new **affordable** (my emphasis) dwellings should have 4 bedrooms and 1.1% have 5 or more bedrooms to meet the needs of larger families, particularly those from the Asian community. The appellant has confirmed that the larger homes will be open market dwellings and

will not be affordable and therefore, the appeal scheme is not seeking to meet the specific needs of larger families, particularly those from the Asian community as set out in the HNDA.

5.24 Furthermore, Page 109 of the HNDA (paragraph 4.68) states there is a “*specific need for larger family accommodation with at least 5 bedrooms is recognised to meet the needs of some BAME households, **particularly in the central area of Preston.***” (my emphasis) The appeal site is not within the central area of Preston and the appeal proposal in this location is not meeting the needs identified within the HNDA.

5.25 As these larger dwellings would be a) open market dwellings (not affordable as the HNDA recommends) with no sales restrictions and b) not in the central area of Preston, I consider this would not meet the needs of ethnic minority communities as identified within the HNDA.

5.26 Given the above, the provision of open market, larger homes of 5+ bedrooms is given no positive weight in the planning balance.

Accessible and adaptable dwellings

5.27 The appeal scheme proposes 4% of the dwellings will be built to Category 3 (wheelchair user) housing M4 (3)(2)(a) wheelchair adaptable. The remaining

96% of dwellings will be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 2015 edition. The City of Preston Housing Need and Demand Assessment 2022 (HNDA) (CD 4.09) recommends 4% of new dwellings be M4(3) wheelchair accessible and all other new affordable and market dwellings be built to M4(2) standard, whilst the appeal proposal meets this recommendation, the HNDA suggests updating relevant policies as a proposed action, which can be achieved through the new Local Plan to be adopted by 2026. Therefore, the need can be met through the development plan and there is no need to depart from the spatial strategy, therefore this benefit to the scheme would attract limited weight in the planning balance.

Delivery of open space

5.28 The submitted Parameter Plan (PARAM-02) proposes 1.07ha of open space.

The area of open space as shown on the Parameters Plan is located to the southern boundary of the appeal site and would accommodate sustainable urban drainage, biodiversity enhancements including a wildlife pond, new planting of hedgerows and trees and pathways through the open space. Landscaping is a reserved matter and therefore, a full detailed landscaping scheme would need to be secured should planning permission be granted. It is also considered that the proposed open space will allow new and closer opportunities to view Bank Hall, a Grade II listed building, which is considered a public benefit.

5.29 Whilst the provision of open space is largely to meet the needs of the proposed development it would be accessible by the wider community and would also open up the views of the surrounding listed buildings. As such this benefit attracts moderate weight.

Biodiversity Net Gain (BNG)

5.30 At the planning application stage, the submitted information included a 2021 survey which stated that when using the Biodiversity Metric 2.0 Calculation Tool there would be an on-site net gain of 33.34% for habitat units and 10.44% hedgerow units. However, the appellant's Statement of Case, which was submitted as part of the appeal process, stated "*The appeal proposals have been assessed using the most up-to-date Biodiversity Metric 4.0 Calculation Tool. The proposals provide a +48.94% habitat gain and +9.76% hedgerow gain as evidenced by ERAP (Appendix 24).*" Appendix 24 of the appellant's Statement of Case did not include a Biodiversity Net Gain Report and so this was requested from the appellant.

5.31 At the Case Management Conference, the appellant advised the missing information relating to BNG would be submitted as soon possible and this information was submitted on 20th December 2023. The submitted Assessment

of Biodiversity Net Gain states the proposals will provide a +30.08% habitat gain and 22.37% hedgerow gain.

5.32 The Council's Ecologist has reviewed the submitted information and advises that the BNG proposals and calculation are, if taken at face value, reasonable and the development could in principle deliver a local meaningful net gain in biodiversity. The Council's Ecologist does question whether it is a realistic proposition to create good quality neutral grassland (wildflower grassland) within an area of multi-functional public open space, which will be subject to relatively high levels of public pressure, and on improved agricultural soils (it is the proposal to create species-rich grassland which provides most of the claimed new habitat gains for the site). The Council's Ecologist states that whilst this would not be impossible, it would require habitat creation and long-term regular monitoring and management. Further details of habitat creation and long-term future management would therefore be required as part of any future reserved matters and would be secured by condition. I consider that this benefit attracts moderate weight in the planning balance.

Improvements to the Bus Infrastructure

5.33 The appeal scheme proposes upgrades to the existing two bus stops on Garstang Road, south of the site. The bus stops are currently formed of a flag only and it is proposed to upgrade these bus stops to provide a shelter.

Lancashire County Council, acting as the Highway Authority advise that the proposed upgrade is acceptable in principle and the detailed design of the bus stops will form part of the Section 278 Agreement should planning permission be granted.

5.34 The provision of a bus shelter would improve the quality of the wait time for those using the bus service, however, would not improve the frequency or routes of the bus service. The benefit would be limited to those using the two bus stops to be upgraded and therefore, attracts limited weight.

Energy efficiency and electrical vehicle charging points

5.35 In December 2021 the Government published a new Part L of the Building Regulations with an implementation date of 15 June 2022. Under the new Part L all new homes will be expected to produce 31% less CO2 emissions than is acceptable in the 2013 version of Part L of the Building Regulations. All building work approved under the 2013 Part L will need to be commenced before June 2023 so long as plans or notices were submitted prior to 15 June 2022 to a Building Control Body. The Government has stated a further update to Part L is currently due to be issued in 2025, which will demand new homes produce at least 75% less carbon emissions than the 2013 regulations.

5.36 In December 2021 the Government published a new Part S of the Building Regulations 2021 with an implementation date of 15 June 2022. Under the new Part S all new dwellings will be expected to have access to an electric vehicle charging point. All building work approved under the previous version of Part S will need to be commenced before June 2023 so long as plans or notices were submitted prior to 15 June 2022 to a Building Control Body. As the new Part S of the Building Regulations 2021 now requires all new dwellings to be provided with access to an electric vehicle charging point, it is unnecessary for the Local Planning Authority to attach a condition requiring the same.

5.37 As such, there is national requirement to provide energy efficient homes on all new developments and provide new dwellings with access to an electric vehicle charging point. Consequently, this benefit is not exceptionally or uniquely linked to this proposal. Nevertheless, providing energy efficient homes and electric vehicle charging points is considered to be a slight benefit, but for the reasons detailed above is one that carries only very limited positive weight in the planning balance.

Harms

Conflict with the Development Plan

5.38 It has been established throughout this Proof of Evidence that the appeal proposal, being located within the open countryside, is contrary to CS Policy 1, LP Policy EN1, and BNDP Policy RES1.

5.39 The appeal proposal 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 CS Policy 1. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy RES1 of the BNDP or LP Policy EN1 of the 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 CS Policy 1, LP Policy EN1 and BNDP Policy RES1. It has been demonstrated in Section 3 of this Proof that these policies are consistent with the Framework.

5.40 The harm identified is striking at the very heart of the Development Plan spatial strategy for growth. The appeal site is therefore in fundamental conflict with the Development Plan when taken as a whole.

5.41 The proposal is in conflict with relevant development plan policies which provide a spatial strategy that promotes a sustainable pattern of growth within Preston. These policies are not considered to be out-of-date meaning that the proposal would not benefit from the presumption in favour of sustainable development as set out in paragraph 11 of the Framework. The following Framework paragraph 12 advises that where a planning application conflicts with an up-to-date Local Plan, permission should not usually be granted.

5.42 The harm associated with this fundamental conflict with the Development Plan therefore attracts substantial weight against the proposed development in the planning balance.

Less than substantial harm to the heritage asset

5.43 As agreed in the Statement of Common Ground, the proposed development would cause less than substantial harm to the setting of the Grade II listed building Bank Hall. Great weight has been given to the less than substantial harm to the Grade II listed building. This harm weighs negatively in the planning balance.

5.44 I consider the provision of open space would allow for new and closer opportunities to view Bank Hall, would be a public benefit that would outweigh the low level of less than substantial harm to the heritage asset.

5.45 As such, in considering the potential harm to the setting of the listed buildings and having special regard to the duty imposed by Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 to the desirability of preserving the listed buildings or their setting, the public benefit would outweigh the low level of harm caused to the setting of Bank Hall, in accordance with paragraph 208 (previously Paragraph 202) of the Framework. The public benefit in this instance outweighs the harm as required by paragraph 208 of the Framework however, in the overall planning balance this benefit does not outweigh spatial conflict.

Neutral Matters

Financial contribution towards education

5.46 In order to make this development acceptable the applicant has agreed to financial contributions towards the provision of school places. This contribution is directly linked to the proposed development and are required due to the extra demand that the proposed development would put on local services. The contribution is required to make this development acceptable and represent a mitigation measure rather than a benefit. The benefits of the financial contributions are therefore considered to be neutral and carry no positive weight in the planning balance.

Summary of the Planning Balance

5.47 It is acknowledged that the proposed development would provide some benefits that could achieve some of the three overarching objectives of sustainable development (Paragraph 8 of the Framework), however they are not criteria against which every decision can or should be judged. Paragraph 12 of the Framework states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. As stated above the planning appeal proposal conflicts with the Council's up-to-date development plan and unless material considerations indicate otherwise, planning permission should not be granted.

5.48 For the reasons detailed above, a number of the perceived benefits are either neutral or limited in weight, required to mitigate the impacts of the proposed development, required to meet specific policy requirements, or generic to any major development scheme that would be compliant with the adopted Development Plan. The benefit that is considered to carry the most weight in the consideration of the appeal is the provision of affordable housing, however for the reasons detailed above, and in light of the Council being able to demonstrate a 12.6 year housing land supply against local housing need and 9.8 year supply against the CS Policy 4 housing requirements. This benefit alone is not sufficient in weight to overcome the fundamental conflict with the development plan. Furthermore, the accumulation of all the benefits arising from the appeal

proposal fall significantly short of outweighing the clear and fundamental conflict with the adopted Development Plan.

5.49 The appellant argues that the specialist housing types will meet the local need in Broughton, which they believe is identified in the HNDA. However, it is my view, having read Dr Bullock's evidence, that the need for specialist housing types exists across Preston, and these needs are not unique to Broughton and therefore, the spatial strategy is working to meet the needs across Preston. Therefore, the specialist housing types proposed in the appeal are not needed on the appeal site, which is outside of the village boundary of Broughton, and within the open countryside and such needs can be met by the development plan elsewhere and there is no need to depart from the spatial strategy. Therefore, these benefits to the scheme would attract limited to no weight in the planning balance and do not overcome the fundamental conflict with the development plan.

5.50 Furthermore, the evidence provided by the HNDA has been prepared in support of policy development for the emerging Local Plan and has not been prepared with the intention of use in decision making on planning applications prior to the plan being adopted. Paragraph 15 of the Framework states that "*The planning system should be genuinely plan-led.*". It is therefore, considered that this evidence base should be used to support policy development and not as a reason to depart from the spatial strategy for decision making.

6. PUBLIC SECTOR EQUALITY DUTY

6.1 As age, disability and race are protected characteristics under the Equality Act 2010, the Council has a duty via Section 149 to have due regard to the need to eliminate discrimination/ harassment/ victimisation, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The Public Sector Equality Duty is not a duty to achieve results but simply a duty to have due regard to the need to achieve the goals identified in paragraph (a) to (c) of the Section 149(1). The proposal would achieve the aims and objectives of the 2010 Act and Section 149(1) in particular by eliminating discrimination and advancing the equality of opportunity, however achieving these goals does not outweigh the harm identified. That being the fundamental conflict with the development plan.

7 CONCLUSION

- 7.1 Applying s.38(6) Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan as a whole is up to date, save for Core Strategy Policy 4, and consistent with the Framework.
- 7.2 The proposal is not consistent with the Council's hierarchy for locating development and therefore is in conflict with Core Strategy Policy 1. The proposal is contrary to Local Plan Policy EN1 as it would involve a housing development in the 'Open Countryside' that would not fall within the permissible development categories listed within this policy and it is not permitted under Broughton Neighbourhood Development Plan Policy RES1.
- 7.3 Local Plan Policy AD1(a) and AD1(b) are not relevant to this appeal site. As the site is located outside of the village boundary of Broughton and Broughton is not allocated as an "Existing Residential Area" by Policy AD1(a).
- 7.4 Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not be granted.
- 7.5 The appellant argues that the specialist housing types will meet the local need in Broughton which they believe is identified in the HNDA. The specialist housing

types proposed in the appeal are not needed on the appeal site, which is outside of the village boundary of Broughton, and within the open countryside and such needs can be met by the development plan elsewhere and there is no need to depart from the spatial strategy. The evidence provided by the HNDA has been prepared in support of policy development for the emerging Local Plan and has not been prepared with the intention of use in decision making on planning applications prior to the plan being adopted. Paragraph 15 of the Framework states that *“The planning system should be genuinely plan-led.”* It is therefore, considered that this evidence base should be used to support future policy development and not as a reason to depart from the spatial strategy.

- 7.6 It is acknowledged that there are a number of the benefits that would accrue from the proposal. However, it is considered that these are either neutral, limited or moderate in weight, required to mitigate the impacts of the proposed development, required to meet specific policy requirements, or generic to any major development scheme that would be compliant with the adopted Development Plan. The benefit that is considered to carry the most weight in the consideration of the appeal is the provision of affordable housing. However, for the reasons detailed above, and in light of the Council being able to demonstrate a 12.6 year housing land supply against local housing need and 9.8 year supply against the CS Policy 4 housing requirements, this benefit alone is not sufficient in weight to overcome the fundamental conflict with the development plan. Furthermore, the accumulation of all the benefits arising from the appeal

proposal fall significantly short of outweighing the clear and fundamental conflict with the adopted Development Plan.

7.7 There are no material considerations which indicate that a departure from the up-to-date Development Plan should be taken and in such circumstances the policies of the Development Plan should prevail in accordance with the plan-led system.

7.8 In view of the above, and when in read in conjunction with the Proof of Evidence prepared by Dr Michael Bullock and Carolyn Williams, it is respectfully requested that the appeal is dismissed.