

REBUTTAL STATEMENT OF MARK SAUNDERS

MA (HONS) MRTPI
LAND WEST OF GARSTANG ROAD, BROUGHTON
PINS REFS: APP/N2345/W/23/3330709
HOLLINS STRATEGIC LAND LLP
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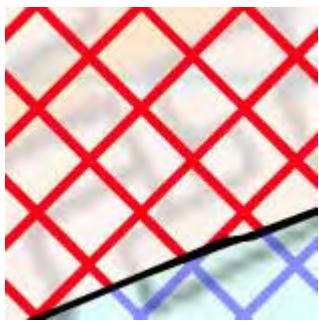
1.0 Introduction

- 1.1 This rebuttal statement is submitted in response to the Preston City Council (PCC) Proofs of Evidence submitted by Lauren Holden and Carolyn Williams of PCC, and Dr Michael Bullock of Arc4 Ltd.
- 1.2 The specific concerns necessitating the need for this rebuttal evidence relates to the contradictory and misleading evidence provided in respect of:
- The application of Policy 1 and the definition of “small scale”;
 - The purported 'errors' on the Policy Map in relation to AD1(a);
 - The background to the provision of larger homes;
 - The justification of weight given to the identified needs of M4(2) and M4(3) homes.

2.0 Appellant's Response to the Council's Propositions

AD1(a)

2.1 Ms Holden and Ms Williams state that there is an error on the policy map in respect of AD1 (a) which adjoins the site. I disagree. There are colouring differences between the key on the online policies map and the paper copy of the policies map. For clarity, the differences are:

	AD1(a) named 'Existing residential sites'	AD1(b) named 'Rural settlement boundaries'
Online policy map 	Shaded peach	Edged blue
Paper policy map 	Shaded peach	Cross-hatched red

2.2 The settlement of Broughton is shaded peach in both the online policy map and the paper copy provided by Ms. Williams at PCC on 18/01/24. Therefore AD1(a) is applicable to Broughton. Furthermore, the site is in close proximity to the existing residential area of Broughton, not just in relation to the boundary of AD1 (a) but also in relation to the development context which has extended the residential area of Broughton around the appeal site (as shown on CD4.06 and Appendix 9 of my POE). To take another example of a tier (f) settlement: Goosnargh is also shaded peach on both policy maps and therefore clearly AD1 (a) must be applicable there too – it is not only limited to Broughton.

- 2.3 The Council maintain that AD1(a) does not apply to Broughton and Ms. Williams states that the hard copy Local Plan maps held by the Council do not reflect the maps used by officers when determining applications. This is a position that is not supported by the wording of the policy, the policy map (either version), the supporting text to the policy, or even the reports of senior officers in the decisions at Cumeragh Lane, Goosnargh¹ (CD8.19) or A Touch of Spice, Broughton (CD8.02). Nor are these examples exhaustive; I have found other examples of applications assessed by PCC officers where AD1(a) was relevant for sites in or on the edge of rural settlements away from Preston city².
- 2.4 AD1(a) is a most important policy for the determination of this appeal. The Appellant will reserve its position with regard to an application for a partial award of costs on this point.
- 2.5 Finally, the LPA would not be able to simply amend the policies map to limit the extent of policy AD1(a) to the residential area of Preston because that is not what the policy says. Part 9(1)(c) of the TCP (Local Planning) Regulations 2012 requires that the policy map is a diagrammatic representation of the policies in the plan. There is nothing in the policy that limited AD1(a) to the residential area of Preston. If the Council wishes to limit the extent of AD1(a) it would need to do so through a full review of the policy with the necessary consultation. It could not be done through an amendment to the policy map.

¹ The site at Cumeragh Lane was introduced to the appeal by Ms Holden in her POE in support of a proposition that the development plan is meeting the needs of older peoples. The officer's report, location plan and site layout are provided at CD8.19-8.21.

² 06/2017/1247, 06/2019/0773, 06/2019/0365

Small Scale

- 2.1 The Principal Planning Officer at Cumeragh Lane (CD8.19), a site introduced by Ms Holden, considered what 'small scale' means by concluding that the development "would be small scale in the context of the adjoining Goosnargh village" (my emphasis). There are various ways of assessing the scale of a site. In summary, I have looked at the following methods and present my calculations below. The areas of the settlements have been calculated using Google Earth Pro software and the areas are shown on the relevant appendices.

	Goosnargh (24 dwellings / 3.46 acres)	Broughton (51 dwellings / 6.6 acres)
AD1(a) area of built-up village (Appendix R1)	71 acres (4.9%)	136 acres (4.8%)
Village area 'on the ground' as at 01/2024 (Appendix R2)	84.1 (4.1%)	223 acres (3.0%)
Number of households in built-up area of village - 2011 Census (Appendix R3)	456 (5.3%)	667 (7.6%)
Number of registered residential properties in built-up village as at 01/2024 (Appendix R4)	608 (3.9%)	868 (5.9%)

- 2.2 Taking any of the approaches above, the appeal site is considered small-scale in the context of Broughton. This supports my view, alongside the evidence I have already set out (§6.19-6.22 of my POE), that the appeal site is 'small scale'.

Larger Homes

- 2.3 Ms Holden correctly states that the Appellant amended the larger homes provision to not be restricted sale to an ethnic minority group. I confirm this was done due to the sensitivities emerging from a well-intentioned desire to meet, and focus, housing to a specific need set out in the latest evidence published by the Council (the HDNA, 2022). The Appellant sought clarity from Dr Bullock by phone call on 8/1/24 who confirmed the needs identified in his report were not expressed as being restricted to a minority group. Dr Bullock confirmed the intention was simply to "create space in the market"

for larger homes that would in turn help meet those needs arising from ethnic minority groups.

- 2.4 Ms Holden recognises the HNDA states 7.5% of new affordable should be 4+ bedrooms, 1.1% should be 5+ bedrooms. She states that because the Appellant suggested the larger homes would be open market instead of affordable, then the appeal proposals would not meet the specific needs of larger families particularly those from the Asian community. I disagree as there was never anything preventing some or all of the commitment to 5% larger homes being affordable housing; the 5% proportion would have applied to the whole scheme. In any event, the HNDA expressly states at §4.65 that 29.6% of the minority ethnic group would consider moving to a market property. I therefore consider there is an unmet need for market properties too and the proposals would have still been aimed at meeting this.
- 2.5 The Appellant discussed with Ms Holden the sensitivity and legal issues with restricting sales of homes to ethnic minority groups. There was an understanding of the difficulties in trying to restrict sales and so it was agreed a way forward was via a condition to secure 5% of the scheme as larger homes. No other solution was suggested by Ms Holden or anyone else acting for the Council.
- 2.6 However, in response to Ms Holden's POE, and to reduce the areas of disagreement, the Appellant is now willing to go further with its commitment by committing to at least 12.5% of the affordable homes to be larger (4+ bedrooms) and to at least 40% of the market homes to be larger homes. These remain homes which are aimed at meeting an identified need, directly in response to the recommendations of Dr Bullock, especially as stakeholders consulted by him say there are generally insufficient larger homes in the area³. I continue to give significant weight to this in the balance.

M4(2) and M4(3) homes

- 2.7 The appeal proposes 4% of homes to be built to M4(3) wheelchair standard and the remaining homes to be built to M4(2) standard. This is agreed to be secured by condition.
- 2.8 Ms Holden again tries to downplay this positive benefit. Even though the proposals are doing exactly what the HNDA recommends (which was Ms Holden's contention for larger homes), she seeks to argue that meeting the needs for M4(2) and M4(3) properties is for the emerging development plan only, whenever that may be. There

³ See §4.67 of HDNA

are no policies in the existing development plan which specifically seek to meet M4(2) or M4(3) needs. The new Local Plan has been delayed several times and the Council has no control over how long an examination may take. In addition, Ms Holden fails to realise that the needs set out in the HNDA have a base date of 2021 and we are already 3 years into that period. By the time the emerging Local Plan is likely to be adopted, 6 years may have passed since the base date of the housing evidence, and so the needs for such accommodation will remain unmet and accumulate.

Appendix R1

AD1 (a) area of built-up village



Broughton

Google Earth

900 m





Goosnargh

Google Earth

Whitt



500 m

Appendix R2

Village area 'on the ground'



Newsham

Broughton

Google Earth

Lightfoot Green

Image © 2024 Airbus

1 km





Goosnargh

Whittingham

Google Earth

600 m



Appendix R3

Number of households in 2011 (ONS)

KS401EW - Dwellings, household spaces and accommodation type

Source ONS Crown Copyright Reserved [from Nomis on 23 January 2024]
Population All dwellings; all household spaces
Units Household spaces and Dwellings

date	2011	
geography	Broughton (Preston) BUA	
measures	value	percent
Dwelling Type		
All categories: Dwelling type	667	100.0
Unshared dwelling	667	100.0
Shared dwelling: Two household	0	0.0
Shared dwelling: Three or more household	0	0.0
All categories: Household spaces	667	100.0
Household spaces with at least one usual resident	636	95.4
Household spaces with no usual resident	31	4.6
Whole house or bungalow: Detached	333	49.9
Whole house or bungalow: Semi-detached	267	40.0
Whole house or bungalow: Terraced	50	7.5
Flat, maisonette or apartment: Purpose built	9	1.3
Flat, maisonette or apartment: Purpose converted	3	0.4
Flat, maisonette or apartment: Intermediate	5	0.7
Caravan or other mobile or temporary accommodation	0	0.0

In order to protect against disclosure of personal information, records have been swapped between different geographic areas. Some counts will be affected, particularly small counts at the lowest geographies

KS401EW - Dwellings, household spaces and accommodation type

Source ONS Crown Copyright Reserved [from Nomis on 23 January 2024]
Population All dwellings; all household spaces
Units Household spaces and Dwellings

date	2011	
geography	Goosnargh - Goosnargh BUASD	
measures	value	percent
Dwelling Type		
All categories: Dwelling type	456	100.0
Unshared dwelling	455	99.8
Shared dwelling: Two household spaces	0	0.0
Shared dwelling: Three or more household spaces	1	0.2
All categories: Household spaces	458	100.0
Household spaces with at least one usual resident	442	96.5
Household spaces with no usual resident	16	3.5
Whole house or bungalow: Detached	152	33.2
Whole house or bungalow: Semi-detached	230	50.2
Whole house or bungalow: Terraced	59	12.9
Flat, maisonette or apartment: Purpose built	7	1.5
Flat, maisonette or apartment: Part of a larger building	1	0.2
Flat, maisonette or apartment: In a converted building	9	2.0
Caravan or other mobile or temporary accommodation	0	0.0

In order to protect against disclosure of personal information, records have been swapped between different geographic areas. Some counts will be affected, particularly small counts at the lowest geographical level.

Appendix R4

Number of registered residential properties in built-up
village as at 01/2024 (Source: LBox)

Draw area on map ⓘ

Polygon Radius Buffer line

868 addresses found

Upload an address list

Check an address exists within the map

Addresses selected ⓘ

All (890)

Residential Only (867)

Business Only (23)

Map selections ⓘ

Polygon **890** ✕



Draw area on map ?



Polygon



Radius



Buffer line

617 addresses found

- Upload an address list
- Check an address exists within the map

Addresses selected ?

- All (616)
- Residential Only (608)
- Business Only (8)

Map selections ?

Polygon 616 ×

