

PRESTON CITY COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990

REBUTTAL 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

1. INTRODUCTION

1.1 This rebuttal proof of evidence intends to address some specific matters raised by the appellants in relation to:

- Conflict with LP Policy EN1 and BNDP Policy RES1 – it was previously agreed with the appellant that the proposal conflicted with these policies, it is now argued by the appellant that the proposal complies with these policies.
- The appeal decisions referenced in the appellant's Proof of Evidence.
- The changes to the larger housing provision proposed by the applicant, as set out in the updated Statement of Common Ground.

1.2 This rebuttal proof of evidence does not intend to repeat anything within my main proof of evidence. I will cross-reference where appropriate and therefore, this rebuttal must be read in conjunction with my main proof of evidence.

1.3 The appellant's Proof of Evidence puts forward three different scenarios:

- 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- Scenario 3 – the most important policies for determining the application are out-of-date, and so the 'tilted balance' is engaged, the harms of the scheme do not significantly and demonstrably outweigh the benefits.

2. CONFLICT WITH LP POLICY EN1 AND BNDP POLICY RES1

2.1 It has always been the case for the LPA, as set out in the Committee Report (CD 3.01), Statement of Case (CD 8.18), and my Proof of Evidence (CD8.22) that the appeal proposal conflicts with LP Policy EN1 and BNDP Policy RES1. This position was previously agreed with the appellant, in the Statement of Common Ground signed 7th December 2023 (CD8.22). However, since the submission of the appellant's Proof of Evidence (CD8.25), received by the Council on 11th January 2024, this position has changed. The appellant now argues that the appeal proposal complies with LP Policy EN1 and BNDP Policy RES1.

LP Policy EN1

2.2 LP Policy EN1 states that development in the open countryside will be limited to *“c) infilling within groups of buildings in smaller rural settlements”*. The supporting text of this policy states that *“Policy AD1(b) is concerned with proposed developments within the larger villages defined on the Policies Map. Smaller settlements and clusters of buildings are not defined on the map but are included within the open countryside designation.”*

2.3 The appeal site is located within the open countryside and therefore, LP Policy EN1 applies. The appeal site is not located within a smaller rural settlement and therefore, criteria c) of LP Policy EN1 does not apply to the appeal proposal. Smaller rural settlements are washed over by the open countryside designation. These include, but are not limited to, the following settlements: Catforth, Inglewhite, Bilsborrow, Cowhill, Lewth, Eaves, Cuddy Hill, Stump Cross and Whitechapel. Given that the appeal site is not located within a “smaller rural settlement” it is not considered that criterion c) of LP Policy EN1 applies to the appeal scheme with regard to infill. Furthermore, the proposed development fails to comply with any of the exceptions stated in Policy EN1.

BNDP RES1

2.4 As demonstrated through the Council's Proof of Evidence (CD) and this Rebuttal Proof of Evidence, the site is not allocated within the BNDP for housing development and the proposed development is not the type of development permissible under CS Policy 1 or LP Policy EN1 and so therefore, the development conflicts with BNDP Policy RES1.

3. APPEAL DECISIONS

3.1 The appellant has referred to an array of appeal decisions, in their Proof of Evidence (CD 8.25), many of which are located within different parts of the country falling within a different development plan area and so would have a different policy context to the appeal site.

3.2 I do not seek to address all of the points raised within Mr Saunder's Proof of Evidence but will highlight a number of the appeal decisions referred to by Mr Saunder's, in which I consider the policy context to be different to the appeal.

3.3 The appellant argues that the Council has been content in approving development outside of the village boundaries regarding of a five year supply (CD8.25) and uses an example were the Council approved outline planning application, in Grimsargh, for the erection of an older person's village for residents aged 55 years

and over, comprising of 60 no. bedroom care home (Class C2), 60 no. apartments (Class C3), 20 no. bungalows (Class C3) (CD8.06).

3.4 I do not consider that the planning application in Grimsargh, is directly comparable to the appeal proposal, in that firstly, the application in Grimsargh was an older person led scheme, providing a 140no homes for over 55s with different house types. The appeal proposal only proposes 5no. dwellings to be secured for over 55s and therefore, the appeal scheme is not older person led, unlike the application approved at Grimsargh.

3.5 Furthermore, a proportion of the application site in Grimsargh lies within an allocated site for a pharmacy and medical centre and sheltered/extra care housing for the elderly (CD8.06). The site is allocated by LP Policy WB2 to meet local needs in Grimsargh and the adjacent rural areas. It was therefore, considered that the application in Grimsargh sought to meet an identified local need for housing for the elderly in Grimsargh (CD8.06). However, within Broughton the Local Plan did not seek to allocate land for this purpose. In addition, I consider the need for over 55s housing is currently being met in Broughton, due to the recently approved development for 52no affordable apartments, secured for the over 55s, at Touch of Spice, Broughton (CD8.02) as set out in my Proof of Evidence (CD8.22).

3.6 Mr Saunder's also uses another appeal decision, which is an older person led development in Fradley, which in total approved "217no. units of accommodation

to serve the varying needs of an ageing population.” (CD6.27). The Inspector concluded that the tilted balance was engaged as the Local Plan policies did not reflect the Framework paragraph 61 requirement to assess and reflect the housing need of an ageing population (CD6.27). It is considered that the Development Plan for Preston accords with paragraph 61 of the Framework, and this is discussed further in the rebuttal proof, by Carolyn Williams.

3.7 In addition, it is important to note that in the Fradley decision, the appeal site conforms with an emerging Local Plan allocation, which also weighed in favour of approving the application (CD6.27). This differs from this appeal; the appeal site is not proposed to be allocated for any purposes within the emerging Local Plan.

3.8 Therefore, the material planning considerations for determining the application in Grimsargh (CD8.06) and the appeal in Fradley (CD6.27) are different to those for the appeal proposal and furthermore, the appeal proposal is not delivering the same level of benefit of older person housing, by providing only 5no dwellings for the over 55s compared with the 140no. dwellings in Grimsargh (CD8.06) and 217no. units of accommodation provided in Fradley (CD6.27).

3.9 Finally, Mr Saunder’s has failed to consider the wholly different policy context for the appeal decision in Clifton (CD6.03) in paragraph 6.35 of his Proof of Evidence (CD8.25). Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies is permissive of development within and beyond settlement

envelopes, whereas for Preston CS Policy 1 does not. Development in the open countryside is restrictive, only permitting exceptions as set out in CS Policy 1 and in Local Plan Policy EN1. Furthermore, these policies do not require an assessment of visual impact or any other technical matter, unlike Policy DM4 (CD8.27) which considers character and making more sustainable communities. The main issue in the Clifton appeal decision relates to the effect of the development proposed on the character and appearance of the area and on the setting and identity of Clifton, however as set out in my proof the main issue of this appeal relates to inconsistency with the Council's hierarchy for locating development and its spatial strategy irrelevant of whether the appeal scheme changes the character, identity and setting of Broughton.

4. LARGER HOMES PROVISION

4.1 Following the CMC and at the time the Council's Proof of Evidence was submitted, the appellant proposed 5% of the dwellings to be larger homes (5+ bedrooms). The larger homes were proposed to be market dwellings, with unrestricted sale. Through the agreement of the updated Statement of Common Ground (CD), the appellant now proposes the following:

- The provision of at least 40% of the market dwellings to be larger homes (4+ bedrooms) secured by condition;

- The provision of at least 12.5% of the affordable housing to be larger homes (4+ bedrooms) secured by obligation.

4.2 This amendment to the scheme, reduces the size of the larger homes proposed, from 5+ bedrooms to 4+ bedrooms, increases the amount of larger, open market dwellings to 40% and now includes affordable larger homes.

4.3 I do not consider this change in provision for larger homes changes the weighting to be awarded to this and no positive weight is given to the provision of open market, larger homes in the planning balance. The amendments to the affordable housing provision also does not change the weight to be given to this benefit as identified in my Proof of Evidence (CD8.22). The need for the larger homes, is covered in Dr Bullock's Rebuttal Proof of Evidence.

5. CONCLUSION

5.1 Despite the changes to the appellant's position, my position regarding the appeal proposal remains unchanged and is as follows:

- The appeal proposal does not comply with LP Policy EN1 and BNDP Policy RES1. The appeal proposal is not policy compliant and conflicts with the Development Plan's spatial strategy for growth. The appeal site is therefore, in fundamental conflict with the Development Plan when taken as a whole.

- 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 planned system.
- The appeal decisions referred to by the appellant are not directly comparable to the appeal site and were determined under different a policy context, most of which were in different parts of the country.
- The amendments to the larger homes provision does not change the weighting I have given to these matters in my Proof of Evidence (CD8.22).