

**APPEAL BY HOLLINS STRATEGIC LAND LLP**

**LAND WEST OF GARSTANG ROAD, BROUGHTON**

**OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT  
OF UP TO 51no. DWELLINGS, INCLUDING ACCESS AND ASSOCIATED  
WORKS (ALL OTHER MATTERS RESERED)**

**OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT**

1. This is an appeal against Preston Council's ('the Council') refusal to grant outline planning permission for up to 51 dwellings with associated works on land west of Garstang Road, Broughton ('the Site').
2. The Site is on the southern edge of the settlement of Broughton, bounded by development. To the north, are the residential properties 483 and 485 Garstang Road and gardens, and a playing field associated with Broughton High School. 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. The western boundary would adjoin the recently consented development scheme at Sandy Gate Lane which is under construction for 97 dwellings. Opposite the site on Garstang Road is a recently consented development scheme which is under construction for 130 dwellings. It is no surprise then that the Officer Report found that the "*setting is*

*characterised by residential dwellings*<sup>1</sup> as it sits within a group of residential buildings.

3. Following detailed consultation, there were no technical objections raised against the development. It is acceptable to the Highway Authority in terms of highway safety, capacity and accessibility. It is agreed that the negligible harm to the GII Bank Hall is outweighed by the public benefits of the scheme under NPPF§208. There are no issues with flooding, ecology, or landscape and visual impact. It is highly unusual to find edge of settlement schemes with no technical reasons for refusal.
4. However, it is not surprising that there were no technical objections because this is a well-designed scheme, in the right location and specifically designed to significantly contribute to meeting the needs of different groups in the community. These are groups that the Council's own evidence says are not having their housing needs met either in fact, or in terms of policy – specifically, older people, people with disabilities and those seeking larger multi-generational homes, frequently from ethnic minority communities.
5. It is in the right location because Broughton has been found to be a sustainable location for growth by Inspectors<sup>2</sup>, even the Council have, at times, agreed that Broughton is sustainable. The settlement has better sustainable access to services and facilities than other comparable settlements in Preston including its direct access to the 21 mile Guild Wheel cycling and walking route around the city<sup>3</sup>. It is well served by buses to Preston and Lancaster and it has unrivalled access to the M6 for north/south and the M55 for travel westwards. The Broughton bypass ensures that the traffic within the settlement moves freely.

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<sup>1</sup> CD3.01 page 16.

<sup>2</sup> E.g. Inspector Manning in the Sandy Gate Lane Appeal – CD6.04, paras 61 – 68;.

<sup>3</sup> CD4.08.

6. The only reason for refusal, notwithstanding the absence of any technical planning harm, is conflict with the spatial strategy of the development plan. Even then, the LPA does not mount a case that this development will fundamentally alter or distort the intentions of that strategy.
7. It must also be remembered that this is a spatial strategy that was fixed to deliver what is agreed to be an out-of-date housing requirement. A spatial strategy that has not prevented the LPA from granting consents in conflict with it – whether they have had a 5YS or not. And a spatial strategy that is under review, following which Broughton is expected to move up the settlement hierarchy.
8. Nonetheless, when the policies of the development plan come to be applied to the appeal proposal, it is the Appellant’s case that the scheme complies with that plan when read as a whole.
9. If the Inspector finds conflict with the development plan, then the Appellant’s argument is that the conflict, and the weight given to it, is limited. The benefits of the proposal are sufficient to outweigh any conflict in the flat balance.
10. Finally, although the Appellant does not think it necessary to get to this point in the assessment of the case, the tilted balance should be applied as the basket of most important policies is out of date, and the harms of the scheme do not significantly and demonstrably outweigh the benefits.
11. Turning to the development plan. Policy 1 of the Central Lancashire Core Strategy (“CLCS”) provides a hierarchy for growth and investment with the aim of “protecting the character of suburban and rural areas”. It does not set targets or limits to developments in particular areas, nor set rigid criteria for development. It gives examples of what will be actively encouraged with the intention of flexibility.

12. The appeal scheme accords with policy 1 – either by meeting the criteria within the policy, or because of the exceptional circumstances supporting development of this site in a settlement that has much changed since the policy was drafted.
13. With regard to the criteria of Policy 1(f), the proposal is small scale and infilling on the Council’s own interpretation of the terms. It will also bring forward houses of a type and design to meet the needs of Broughton and the wider population of Preston by providing:
  - 13.1. 10% housing for over 55s
  - 13.2. 40% provision of affordable housing, 25% of which will be First Homes and 12.5% will be larger homes.
  - 13.3. 96% accessible and adaptable M4(2) and 4% M4(3) wheelchair dwellings.
  - 13.4. 31 market dwellings, 40% of which will be larger homes.
14. These needs remain even though the Council can demonstrate the minimum 5-year housing land supply. Even in the context of a 5YS, against a LHN significantly below the adopted housing requirement or the anticipated requirements in the emerging plan, the Council accept that despite committing to deliver 17,420 new homes between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2024, only 75% are expected to have been developed by the end of the period, leaving a shortfall of 4,303. There is still a need for general housing in Preston.
15. The most recent of the Council’s own evidence base shows a net annual need of 377 affordable homes across Preston from 2021-38, with Broughton being within the least affordable area<sup>4</sup> and needing approximately 110 affordable homes in a

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<sup>4</sup> HDNA maps 3.1 and 3.2

ten-year period. There is an ongoing and pressing need for affordable homes. The appeal scheme will significantly contribute to meeting those needs. .

16. The 2022 DLP Housing Study found that the older population of Central Lancashire population has increased by 40% since 2001, requiring an increase and diversification of housing for older people with 1,903 more units for older people by 2038. The need includes both housing with support (including retirement housing) as well as housing with care. The need for homes for older people at a national level is critical, and the same can be said of Preston and Broughton. The Council's policies are not designed and directed to meet those needs. The Plan is failing to provide homes for the most vulnerable. The scheme has committed to delivering 10% of the housing for over 55s to meet that need.
17. Further, there is an unmet need of 421 homes in Preston for wheelchair user dwellings and a need for 4% of homes to be M4(3) wheelchair accessible, which is partially connected to the issues of an aging population who will often struggle with mobility in one way or another. Beyond this, 374 people in Broughton parish were recorded by the 2021 Census as disabled under the Equality Act. The Scheme aims to meet this need by ensuring that every dwelling in the development is either M4(3) wheelchair accessible or M4(2) standard to allow homes to be adapted as required. These are needs that are not being met by the Council or delivered through its policies. But they will be delivered through the appeal scheme.
18. It is agreed that the HNDA identifies a need in Preston for 7.5% of new homes to have four bedrooms, and 1.1% to have five or more bedrooms. The Preston Asian Housing Engagement Group confirmed larger houses particularly meet the community's needs for multi-generational living. Thus the Appellant's proposal for 40% of market housing and 12.5% of affordable housing to be larger meets this specialist need. The provision for these houses as a mix of affordable and open market is also a pragmatic way of meeting that need as directed by the Council.

19. NPPF§63 requires local plan policies to assess and reflect the needs of different groups in the community. There are no policies in the development plan that do this. Policy 7 of the CLCS expresses support for older persons housing, but this broad approach is not sufficient. As such policy 7 is inconsistent with the framework and out of date.
20. Overall on Policy 1(f) of the CLCS, the proposal is in accordance with the criteria given; or there are exceptional circumstances that justify this scheme coming forward because of the way in which it targets specific needs of the community, and because the settlement is now much more sustainable than at the time the CLCS was drafted. If there is a breach of this policy, then the harm of that breach is very limited indeed since it gives rise to no land use planning harm, nor does it distort the spatial strategy.
21. The appeal also derives support from the Preston Local Plan ('PLP') through policies AD1(a).
22. One must read and apply policy through an assessment of the words in the policy, taken in context. There is nothing in the words of AD1(a) that limits its application to Preston city, as the Council maintains. The Policy Map shows Broughton to be subject to AD1(a)<sup>5</sup>. And the Council has applied AD1(a)<sup>6</sup> to decisions on development not within Preston city. When this is taken together, the Inspector must apply the policy on its terms, recognising the importance of consistency in decision making, and not on the basis of what the Council may wish the policy said. The Site is in close proximity to the Existing Residential Area ('ERA') of Broughton (as identified on the Policy Map) and so the criteria in the policy should be applied. When AD1(a) is applied, it is agreed that the criteria within the policy are satisfied, and so, in accordance with the policy, the development should be permitted.

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<sup>5</sup> CD4.05 and CD4.17.

<sup>6</sup> CD8.02, CD8.19.

23. For the purpose of EN1 of the PLP, the Site is in the open countryside – although it is in close proximity to the ERA. It is not within Broughton and so AD1(b) does not apply. The scheme is infill development but it is not clear if it is in a smaller rural settlement. There is no definition in the local plan of what is a smaller rural settlement. But if the scheme is infill in the open countryside, and it is agreed not to harm the openness of the countryside which is one of the aims of EN1, then it is hard to see how any conflict could be material. If the Inspector disagrees, then the tension between AD1(a) and Policy 1(f), against EN1, should be resolved in favour of the former, making the scheme in accordance with the development plan.
24. RES1, cited in the RfR, defines where development can go in accordance with the Neighbourhood Plan, it does not define how one approaches other development in Broughton, that is left to Policy 1 and EN1 to which the NP must conform.
25. Finally, the scheme will bring forward a substantial set of benefits:
  - 25.1. Market housing, affordable housing, older people housing, accessible housing – each of which should be given substantial weight.
  - 25.2. Larger homes to create space in the market for multigenerational living – significant weight.
  - 25.3. Biodiversity net gain of 30.08% habitat gain and 22.3% habitat gain – significant weight.
  - 25.4. Bus stop upgrades, 1.07ha of public open space, economic benefits to the community, economic benefits from construction jobs – each moderate weight.
26. The scheme is simply seeking to meet a range of real public needs, very recently identified, and not being met by the development plan.

27. As set out above, it is the Appellant's case that the scheme complies with the development plan and should be approved without delay. If the Inspector disagrees, then the weight to any conflict is convincingly outweighed by the benefits. Finally, the tilted balance should be applied because the basket of policies most important for determining the appeal are out of date (Policy 4, Policy 7, AD1(a) as a settlement boundary and RES2). In those circumstances the harms do not significantly and demonstrably outweigh the benefits and the appeal should be allowed.

*Philip Robson*

*6 February 2024*

KINGS CHAMBERS