



# Appeal Decision

Inquiry held between 6 and 13 February 2024

Site visit made on 9 February 2024

**by C Dillon BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> April 2024**

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**Appeal Ref: APP/N2345/W/23/3330709**

**Land West of Garstang Road, Broughton, Preston PR3 5JJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Hollins Strategic Land against the decision of Preston City Council.
  - The application Ref is 06/2023/0030.
  - The development proposed is described as outline planning application seeking approval for access only for residential development for up to 51 No. dwellings with associated works (all other matters reserved).
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## Decision

1. The appeal is allowed, and planning permission is granted for an outline planning application seeking approval for access only for residential development for up to 51 No. dwellings with associated works (all other matters reserved) at land West of Garstang Road, Broughton, Preston PR3 5JJ in accordance with the terms of the application, Ref: 06/2023/0030, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The planning application to which this appeal relates was made in outline with all matters, apart from access, reserved for future determination.
3. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. My determination has been made in that revised national planning policy context. Overall, I am satisfied that all parties have had an opportunity to respond to the revised Framework and that no interests have been prejudiced.
4. The Council's housing land supply position is undisputed and far exceeds the required supply. Therefore, the main parties agreed that it would serve no purpose to recalculate the position following the publication of the revised Framework. I concur with the common ground that paragraph 11(d) of the Framework is not engaged on housing land supply grounds.
5. It is common ground that the appeal site falls within the setting of 3 No. Grade II Listed Buildings, namely "Bank Hall and Bank Farmhouse", "Broughton in Amouderness War Memorial", and "Pinfold". I address my statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) later.

6. The Case Management Conference (the CMC) was held virtually with the main parties on 7 December 2023 where arrangements for the Inquiry were discussed. At the CMC and my opening address I outline the likely main issues for the appeal based on the evidence before me at that time. These have been refined further following what I discerned from the inquiry proceedings.
7. During the Inquiry a number of documents were accepted to assist my determination. These are listed in the attached Inquiry Document Schedule and include a revised Statement of Common Ground ("SoCG") and an agreed schedule of suggested planning conditions. Also included is drawing Ref: PARAM 03, which seeks to explicitly confirm the extent of the proposed public open space (POS) to inform the matters which are reserved. Overall, I am satisfied that the acceptance of all of these revised documents was necessary and has not prejudiced the interests of any parties.
8. A short period of time was afforded to the main parties to both execute the proposed legal agreement relating to planning obligations and finalise the list of suggested conditions to reflect the round table discussion on them. Therefore, the Inquiry closed in writing on 27 February 2024 upon receipt of these.
9. The submitted legal agreement seeks to secure onsite affordable housing across a mix of tenures to include some First Homes and larger units. As the approach to securing the requisite number of rented units and/or affordable rented units remains in dispute, a 'blue pencil clause' mechanism has been inserted to enable my adjudication on that particular matter. The legal agreement also seeks to secure some accommodation for the over 55 years cohort, maintenance arrangements for the proposed POS, financial contributions towards primary and secondary school places and monitoring arrangements for an Employment and Skills Plan. I address these later.

## **Main Issues**

10. The main issues are:
  - whether or not, in the context of paragraph 11 of the Framework, "*the most important policies*" for determining the appeal proposal are out-of-date
  - whether or not the appeal proposal is a suitable location for the residential development proposed, with particular regard to the adopted spatial strategy, identified local housing needs and the Framework; and
  - whether or not the appeal proposal would preserve the setting or features of special architectural or historic interest of the nearby Grade II listed "Broughton in Amouderness War Memorial", "Pinfold" and "Bank Hall and Bank Farmhouse".

## **Reasons**

### *Most important policies*

#### Relevance of policies

11. Policy 4 of the Central Lancashire Core Strategy (the CLCS) sets out the housing requirement for the plan period. This is to be delivered in line with the area's spatial strategy which is set out in Policy 1 of the CLCS. Part 2 development plan policies AD1(a), AD1(b), EN1 and EN4 Preston Local Plan (PLP) and Policy RES1 of the Broughton Neighbourhood Plan (the BNP) are part

- of a policy framework to secure this spatial approach to new housing growth within the City of Preston area. Policy 7 of the CLCS and Policy RES2 of the BNP seek to deliver housing growth in a manner that meets local housing needs.
12. By virtue of its location and development type, I concur with the common ground between the main parties that in the context of paragraph 11 of the Framework, Policies 1, 4, 7, EN1, EN4, RES1 and RES2 fall within the scope of the "*most important policies*" for determining this appeal. Furthermore, as the appeal proposal falls within the setting of a number of designated and undesignated heritage assets Policy 16 of the CLCS and Policy EN8 of the PLP are also "*most important policies*".
  13. Policy AD1(b) is another one of the suite of development plan policies which seek to manage the location of new development in line with the adopted spatial strategy. Paragraph 4.25 of the PLP's supporting text confirms that Broughton is an "*Existing Village*" which is "*identified as AD1(b) on the Policies Map*" and is "*situated within the open countryside with tightly constrained and defined boundaries*". Paragraph 4.26 of the PLP draws attention to the fact that "*no significant growth aspirations exist for these villages*" through the CLCS. The legend on the hard copy Policies Map denotes the geographic extent of an "*Existing Village*" as red cross hatching on a white background. However, the appeal site clearly falls beyond that specific geography as that particular cross hatching does not extend over it.
  14. Policy AD1(a) also seeks to manage the location of new development "*within or in close proximity to the Existing Residential Area*" in line with the adopted spatial strategy. The Council maintained that particular geographic term refers to the settlement of Preston only, and therefore Policy AD1(a) is irrelevant. Whereas the appellant firmly maintained that the geography of Policy AD1(a) includes the village of Broughton and, as such, is relevant to my determination as an "*important policy*".
  15. From my site visit, I observed that the appeal site is located in close proximity to residential parts of the village of Broughton. However, the term "*the Existing Residential Area*" is not specifically defined within the development plan's policies or supporting text.
  16. Neither the hard copy Policies Map or later digital interpretation of it are helpful to determining the geographic scope of Policy AD1(a). During the Inquiry it became evident that there are a number of deficiencies with the Policies Map. In particular, there is no reference on the mapping key to "*the Existing Residential Area*" only "*Existing Residential Sites*"; a term that does not feature in any policy text. In recognising these deficiencies, the Council advised that the insipid peach coloured mapping layer was intended to denote the geographic extent of "*the Existing Residential Area*" to which Policy AD1(a) relates. The Council also advised that the red cross-hatching on a white background was intended to show the geographic extent an "*Existing Village*" to which Policy AD1(b) relates.
  17. Close inspection of the hard copy Policies Map, in so far as it relates to Broughton, has revealed that the layer intended to denote an "*Existing Village*" geography relevant to Policy AD1(b) is not underlaid by a white background, as per the hard copy mapping key. Arguably, the visible insipid peach colour underlying it is consistent with the layer denoting the geography to which Policy AD1(a) relates. That would support the appellant's stance. However

equally, it could simply be a drafting error caused by the coloured base map layer bleeding through the red and white cross hatched area which has, in turn, been transposed onto the later digital interpretation. That would support the Council's stance. The outcome of my visual inspection of the available mapping is therefore inconclusive on the disputed relevance of Policy AD1(a).

18. Nonetheless, the proposals map is illustrative, falls out with a local plan examination and does not contain policies. A key purpose of the PLP's supporting text is to assist in the understanding and interpretation of its policies. The soundness of the PLP has been the subject of an independent examination as a matter of law.
19. The Council has made a conscious policy differentiation between that "Area" of Policy AD1(a) and "*the Existing Villages*" of Policy AD1(b). Furthermore, the ordinary reading of the policy wording "*the Existing Residential Area*" cited in Policy AD1(a) conveys reference to a singular geographical area. There are repeated references to "*the main urban area of Preston*" or "*the existing residential area of Preston*" or "*the existing urban area of Preston*" in the development plan. These are all singular geographical references.
20. Consequently, when reading the development plan as a whole, it is reasonable to interpret that, in line with the Council's stance, the geographic extent of the "*Existing Residential Area*" of Policy AD1(a) as being the settlement of Preston itself. However, paragraph 4.28 of the supporting text of the PLP reveals that the criteria of Policy AD1(b) could be relevant to my determination if, in the first instance, the appeal proposal was to be one of the development scenarios supported by Policy 1(f) of the CLCS. In such an instance, the provisions of Policy AD1(b) would make the criteria of Policy AD1(a) also relevant.
21. In summary therefore, Policies 1, 4, 7, 16, EN1, EN4, EN8, RES1 and RES2 are clearly "*most important policies*". However, the relevance and importance of Policy AD1(b) and in turn AD1(a) is dependent upon how the appeal proposal performs against Policy 1(f).

#### Up-to-dateness

22. In terms of the up-to-dateness of "*the most important policies*", as the adoption of the CLCS has passed its 5<sup>th</sup> anniversary, the National Standard Method 2.0 is the relevant reference point for calculating housing needs. As such, the adopted housing requirement and therefore Policy 4 of the CLCS are out-of-date for the purposes of determining this appeal.
23. Policy 7 of the CLCS is also based upon time spent evidence. The more recent City of Preston Housing Need and Demand Assessment 2022 (the HNDA) provides an up-to-date context to the current local housing needs position. However, the general approach of Policy 7 is not inconsistent with that of the Framework. Policy RES2 of the BNP also remains consistent with the approach to addressing local housing needs set out in the Framework.
24. As outlined earlier, the spatial strategy contained in Policy 1 of the CLCS is supplemented by Part 2 policies contained within the PLP and the BNP. Collectively, these seek to direct new housing to places which are best placed to support sustainable growth in terms of access to services and facilities and where the environmental consequences of doing so will not cause unacceptable

harm. However, the component local policies to deliver the adopted spatial strategy do not seek to protect the open countryside for its own sake.

25. Notwithstanding the out-of-date status of Policy 4, neither the Framework nor the evidence before me demonstrates that any of those policies which collectively seek to manage development in line with the spatial strategy are out-of-date. This indicates to me that the spatial strategy of this area remains up-to-date. The Council's healthy housing land supply demonstrates that the out-of-dateness of the adopted housing requirement has not fettered housing growth in line with the adopted spatial strategy. Furthermore, Policy 16 of the CLCS and Policy EN8 of the PLP are consistent with the heritage approach set out in the Framework and Planning Practice Guidance (PPG) and remain up-to-date.
26. For these reasons, on balance "*the most important policies*" are not out-of-date for the purposes of applying paragraph 11 of the Framework.

### *Site suitability*

#### Adopted spatial strategy

27. It is common ground that the village of Broughton is a settlement described within criteria (f) of the spatial hierarchy contained in Policy 1 of the CLCS. Policy 1(f) supports growth "*in other places*" including "*small villages*" where it is "*small scale and limited to...proposals to meet local need*".
28. In locational terms, when applying Policy 1 of the CLCS, the appeal site does not fall "*in other places-smaller villages*". Rather, the appeal site is undeveloped land that falls just beyond it. Therefore, it is not a development scenario which is explicitly supported by Policy 1 of the CLCS.
29. The appeal site is defined on the Policies Map as being open countryside by virtue of Policy EN1 of the PLP. The appeal site also forms part of the Strategic Area of Separation (the SAS) by virtue of Policy EN4 of that plan. The appeal proposal falls beyond the scope of development permitted in open countryside by Policy EN1 and within the SAS defined in Policy EN4 of the PLP.
30. Policy RES1 of the BNP is explicit that development within open countryside, other than on specifically listed site allocations, will be heavily restricted in accordance with Policies 1 and 19 of the CLCS and Policies EN1 and EN4 of the PLP. However, the supporting text of the development plan reveals that the spatial approach of the development plan is predicated on the importance that the spatial strategy places on protecting the open countryside from unacceptable development which would harm its open and rural character. Furthermore, Policy EN4 of the PLP states that development falling within the SAS designation will be assessed in terms of its impact on the effectiveness of the gap between settlements and its function in protecting the identity and distinctiveness of settlements.
31. From my site observations, it is clear that there has been considerable change to the context of the appeal site with the construction of a significant number of new dwellings on neighbouring former agricultural land. Those developments also fall beyond the adopted settlement boundaries for the village of Broughton. Being almost completely surrounded by housing on all sides the appeal site is now something of an island of undeveloped land. Spatially, it relates well to the existing built form of the village as a consequence.

32. Furthermore, the absence of a significant adverse impact on the landscape character of the area, as evidenced in the submitted Landscape and Visual Appraisal can be largely attributed to this. Therefore, I have no cause to dispute the common ground reached that the site is well-contained from other parts of the countryside.
33. Relative to the site area, a substantial amount of the SAS would be retained. I concur with the main parties that the proposed development would not result in the merging of the settlements of Broughton and the Preston Urban Area. As such, the effectiveness of the wider SAS designation and Broughton's identity and distinctiveness would not be undermined.
34. This all indicates to me that the role, function and purpose of the wider countryside would not be undermined by the appeal proposal. Despite its location within the open countryside and the SAS, the appeal proposal would not conflict with Policies EN1 and EN4 of the PLP.
35. I address the locational suitability of the appeal proposal relative to the neighbouring designated and non-designated heritage assets later.
36. In terms of the scale of development proposed, neither the CLCS or the PLP provide a clear definition of what represents "*small scale*" development. The proposal would be "*major development*" under the Town and Country Planning Development Management Procedures Order 2015. A significant proportion of the proposed units would be larger homes. Furthermore, the appeal site area falls above the 1 hectare threshold for "*small*" and "*medium*" sites contained in the Framework.
37. The threshold of 10 units set out in Policy RES2 of the BNP is not intended to define what constitutes "*small scale*" development. Policy RES1 of the BNP identifies the potential for "*small scale housing developments*" on 3 neighbouring sites ranging between 0.75 and 1.50 hectares in area. The supporting text advises that these all "*minimise intrusion into open countryside and areas of separation, pose no threat to the village's character or rural setting or to its identity and distinctiveness and afford ready access on foot to the Village centre, other local facilities and bus routes*". That supporting text also identifies "*a total capacity perhaps 60-72 units*" across 2 sites with a combined area of 2.25 hectares which are explicitly each listed as "*small scale housing developments*" which will be permitted.
38. Significantly therefore, this more recent policy regards a site of up to 1.5 hectares with a capacity of up to around 48 dwellings as "*small scale*" for Broughton village. That scale is not significantly different to the scale of the appeal proposal before me.
39. The submitted evidence does not demonstrate that the proposed 51 dwellings and associated public open space would be harmful in terms of its effect on the open countryside, the SAS, the character of the village and its rural setting, identity and distinctiveness.
40. Furthermore, the SoCG and my site observations have confirmed that the appeal site has good accessibility to a range of existing services and facilities through a choice of transport modes, including along well-surfaced footpaths. This level of accessibility would reduce the need to travel by car and would not conflict with the objectives of the adopted spatial strategy.

41. Despite concerns expressed about added pressure to the capacity of available local school places, it was confirmed that the Local Education Authority (LEA) operates a means to allocate school places fairly. The LEA's Education Contribution Assessment demonstrates that the proposed planning obligation to secure developer contributions would mitigate the impact of a development of this scale on local education infrastructure. The submitted legal agreement would be capable of securing this and would be responsive to any future capacity changes to either the proposed scheme or local school capacity.
42. The submitted evidence does not demonstrate that the proposal would harm the character and appearance of the area or residential amenity. Neither would it represent an over-intensification of use of the appeal site. The appeal proposal would deliver new public open space which would result in an overall improvement to the environment and amenity of the area. Therefore, although the location of the appeal site falls beyond the geographical scope of Policies AD1(a) or AD1(b) it is nonetheless consistent with the intended outcomes of their specific criteria and therefore the adopted spatial strategy in those regards.
43. In the absence of a specific definition, my findings indicate that the appeal proposal would fall within the upper reaches of what the most recent part of the development plan regards "*small scale*" development to be for Broughton. Therefore, the appeal scheme would fall within the scale of development which is supported by Policy 1(f) of the CLCS. As there would be no harm in terms of the existing function of the appeal site or to the character and appearance of the area and, as adequate mitigation could be secured in respect to school capacity, there would be no conflict with either the Framework or the development plan in terms of a development of the scale and location proposed.

#### Local housing needs

44. The Council's City of Preston Housing Need and Demand Assessment 2022 (the HNDA) provides the most up to date position on local housing needs. I am satisfied that the shortcomings of undertaking a more focussed settlement based calculation than that of the HNDA were clearly evidenced and support the appellant's approach to identifying local needs.
45. The main parties agree that there is a need for all types of affordable housing across the Council area which is over 8 times higher than the CLCS requirement. It was accepted that the Council would not be expected to meet this in full. Nonetheless, the Council's current affordable housing monitoring activity is limited. Although the Council has demonstrated a healthy overall housing land supply position, delivery was not shown to be resulting in a marked reduction in these more acute local affordable needs.
46. The appeal proposal makes provision for 40% of the units to be affordable homes, including some First Homes and larger units. The proposed level of affordable units would exceed the 35% requirement of Policy 7 of the CLCS. In quantitative terms, the submitted legal agreement would ensure that these are secured regardless of the outcome of my adjudication on the alternative approaches to tenure split that have been presented to me. It would not conflict with that particular Policy 7.

47. It is common ground that the housing needs of older people is critical nationwide issue. The adopted development plan does not contain a specific policy requirement in respect to this particular type of housing. However, the HNDA demonstrates a notable need in PLP area up to 2038 for both Use Class C3 dwellings and Use Class C2 dwellings/bed spaces. The submitted legal agreement would ensure that 10% of the proposed units would be dedicated to the over 55 years cohort. This would be a public benefit of the scheme.
48. It is proposed that 4% of the proposed units would be built to the Building Regulation Part M 4(3) Wheelchair Accessible standard with the remainder being Accessible and Adaptable Dwellings to the Building Regulations Part M 4(2) standard. This would correlate with the HNDA's findings on the need for accessible homes in the area.
49. The implementation of these 2 higher optional accessibility standards has the potential to benefit any age cohort. This provision would be effective in its wider context, given the appeal site is generally flat with level access to existing good quality footpaths that provide access to a range of local services and facilities. This public benefit could be secured through an appropriately worded planning condition.
50. The HNDA identifies a need in the Council's area for new homes to have 4 or more bedrooms to meet the needs of identified larger families, including those with multi-generational needs. The development plan does not have a specific policy requirement in that regard. However the Framework seeks to ensure that the needs of all sectors are addressed. At least 12.5% of affordable units would be larger homes which would be secured through the submitted legal agreement. Furthermore, at least 40% of the proposed market dwellings would also be larger homes.
51. The submitted Compliance Statement does not extend to the proposed provision of these as the Council disagrees that it is necessary to make the scheme acceptable. However, the appellant's evidence demonstrates that the appeal proposal has potential to meet a particular evidenced local need to support multi-generational living in both the affordable and market sectors. That is a public benefit which weighs in its favour. I am satisfied that this could be secured through an appropriately worded planning condition.
52. Overall, the appeal proposal would make considerable contributions to meeting a broad range of identified local specialist housing needs. The housing mix which could be secured would positively contribute to improving the housing offer and support the housing needs of people with protected characteristics including age, disability and ethnicity. There would be sufficient scope for the appeal proposal to align with the Central Lancashire Affordable Housing Supplementary Planning Document.
53. There would be no conflict with Policy 7 of the CLCS, or the approach to meeting housing needs set out in the Framework and PPG. Despite falling just beyond a location supported by Policy 1 the proposed scheme would, as that policy seeks, contribute to meeting local needs.

#### Summary

54. Despite being located within land defined in the adopted development plan as open countryside and the SAS, for the reasons outlined earlier, no harm to has



been substantiated to either local policy designation. This has been corroborated by my own site observations. It is common ground that the adopted spatial strategy does not seek to protect the open countryside for its own sake.

55. The appeal scheme does fall beyond the scope of Policy 1(f) of the CLCS by virtue of its location. However, its scale and contribution to meeting local needs is not inconsistent with what Policy 1 seeks. Furthermore, the specific credentials of the appeal site and proposal mean that the provisions of Policies EN1, EN4, AD1(a) and AD1(b) are not offended. No conflict has been demonstrated in respect to Policy 19 of the CLCS. Neither would there be any conflict with Policy RES1 of the BNP.
56. In overall conclusion to this main issue, the appeal proposal would conflict with the adopted spatial strategy because it would not be located within an "Existing Village" or "within or in close proximity to the Existing Residential Area" as defined on the Policies Map. Nonetheless, it would not be inconsistent with the objectives of that spatial approach. In view of the findings outlined above, and subject to my heritage findings, the appeal proposal could be a suitable location for the residential development proposed, with particular regard to the identified local housing needs and the Framework. I address whether a departure from the adopted spatial strategy would be justified later.

#### *Setting of Listed Buildings*

57. The submitted evidence and my site observations confirm that whilst within close proximity to one another, the neighbouring listed Broughton in Amouderness War Memorial, the Pinfold and Bank Hall and Bank Farmhouse do not have a collective relationship with one another.
58. The features of special interest of Broughton in Amouderness War Memorial include its historical and cultural values as archival evidence and memorial to the fallen and injured. These values are largely derived from how people interact with the memorial itself.
59. Although the War Memorial is situated within close proximity to the appeal site, the submitted evidence does not indicate that there is any historical association between them. The proposed POS would maintain an open buffer and retain the opportunity for a similar level of quiet contemplation. From my site visit and the submitted evidence, I am satisfied that the proposed change to its setting would not harm its features of special interest but would preserve them.
60. The features of special interest of the Pinfold as an almost intact stone enclosure for regulating and managing animal welfare are derived from its historical and cultural relationships with the local farming community. No specific historic connection with the appeal site itself has been evidenced. Although there is some slight intervisibility between the appeal site and the Pinfold, the setting of that heritage asset is now dominated by its more recent residential setting.
61. It has not been demonstrated that the appeal site contributes to the special interest features of the Pinfold. From my site visit and the submitted evidence, I am satisfied that the proposed change to its setting would not harm its features of special interest but would preserve them.

62. Consequently, the appeal proposal would accord with the Act in terms of both of these designated heritage assets. Furthermore, there would be no conflict with the Framework or with Policy 16 of the CLCS and Policy EN8 of the PLP in these regards.
63. The features of special interest of Bank Hall and Bank Farmhouse are mainly architecturally and historically derived from its former agricultural use, its association with the Singleton family and the constraints on Catholic religious observance during the 16<sup>th</sup> to 18<sup>th</sup> centuries. My attention was also drawn to a connection with 'Bonnie Prince Charlie'. The exterior of this building complex has undergone significant alteration, although much of the internal timber-framed structure has been retained, despite the later subdivision and conversion works.
64. Whilst there is no definitive association between the appeal site and this listed building, the Council's evidence makes reference to the historic mapping which shows the open land around the building formed part of its historic setting. As such, the appeal site contributes to some low degree to the understanding and appreciation of the features of special interest of that listed former farm complex.
65. The appeal proposal would not directly affect the historic fabric of Bank Hall and Bank Farmhouse. However, there would be some encroachment into the remaining open setting of this listed building. The positioning of the proposed POS could be designed to be left open to retain an open view. The proposed reduction in openness would amount to limited harm to the contribution this setting makes to the appreciation and understanding of the special interests of that former farm complex.
66. In terms of the Framework, I find this identified harm would be less than substantial, albeit it would fall at the lowest end of any scale. The proposal would not preserve the setting or features of special architectural or historic interest of Grade II listed Bank Hall and Bank Farmhouse. Therefore the proposal would fail to satisfy the requirements of the Act in this regard. This carries considerable importance and weight.
67. In line with paragraph 205 of the Framework, when considering the impact of development on the significance of a designated heritage asset, I give great weight to the conservation of Bank Hall and Bank Farmhouse. Furthermore, paragraph 206 of the Framework recognises that the significance of heritage assets can be harmed or lost through the alteration or destruction of the asset or development within its setting and states that any harm should have a clear and convincing justification. Furthermore, paragraph 208 of the Framework requires that this less than substantial harm is weighed against the public benefits of the proposal.
68. The appeal proposal would make a contribution to the local housing land supply. Despite the area's current healthy housing land supply position, the proposal would supplement the range and choice in the pipeline supply. Dwellings which would be capable of addressing a wide range of recently identified housing needs would be secured through planning obligations and planning conditions. The appeal scheme would also secure the provision of additional POS, community infrastructure which the Broughton Parish Council confirmed is a local aspiration. These would each be public benefits for the area which carry considerable weight.

69. The proposal would also create opportunities for local training and jobs which would be managed through the planning obligation relating to the monitoring of an Employment and Skills Plan. Although part of the appeal site would be developed, a scheme which secures a biodiversity net-gain would be implemented. In view of the level of their respective contributions, each of these are public benefits which carry moderate weight.
70. Improvements to 2 local bus stops which could be secured by a planning condition are proposed. Although this would not improve the frequency of the bus service, it would potentially encourage use of public transport and is relevant in terms of supporting the overall sustainability of the scheme. This would be a public benefit which carries limited weight.
71. In weighing the identified less than substantial harm against all of these public benefits, the harm to Bank Hall and Bank Farmhouse would be outweighed. That heritage harm is therefore justified in this particular instance.
72. In conclusion, the features of special architectural or historic interest and the setting of the Broughton in Amouderness War Memorial and the Pinfold would be preserved. The setting of Bank Hall and Bank Farmhouse would not be preserved in terms of the Act, in so far as it relates to its features of special architectural or historic interest. However, given the public benefits that would be secured, that identified harm would be justified in this instance. Therefore, the appeal proposal would not conflict with the heritage approach of the Framework or Policy 16 or EN8 of the development plan.

### **Planning Obligations**

73. The appellant's stated preference to defer agreement of the requisite number of rented units and/or affordable rented units to a later date would enable the most up to date needs to be reflected in the reserved matters proposals. It was not evidenced that such an approach would undermine certainty on delivery. Therefore, clause (a) of the Definitions and Interpretation section contained on page 7 of the legal agreement is the most appropriate approach in this instance. The appeal scheme should be bound by that.
74. I am satisfied that of the proposed planning obligations relating to the components that would meet identified local housing needs are justified through the submitted evidence.
75. The planning obligation to secure the monitoring of an Employment and Skills Plan would align with the Central Lancashire Employment Skills Supplementary Planning Document. It would ensure that the appeal scheme has scope to contribute positively to supporting training and jobs during the construction phase so that there would be no conflict with the development plan.
76. I am satisfied that the maintenance and management of the proposed POS would be adequately secured through the submitted legal agreement so that there would be no conflict with the development plan in qualitative and quantitative terms and also in respect to securing the associated biodiversity net-gain proposed.
77. Overall, I am satisfied that all of the proposed planning obligations would meet the prescribed tests set out in the CIL Regulations. As a vehicle to secure some of the benefits identified earlier, the signed legal agreement weighs considerably in favour of the appeal proposal.

## **Other Matters**

### Non-designated heritage assets

78. The appeal site falls close to No 430 Garstang Road (No 430) and Key Fold farm, both non-designated heritage assets included on the Local Heritage List for the Rural Areas of Preston. The submitted evidence confirms that alongside No 430, Key Fold Farm appears on the 1847-1849 Ordnance Survey map. From my site visit I observed that the appeal site forms part of their respective settings.
79. The significance of No 430 is mainly historical and architecturally derived. It has mid to late 19th century additions including a 2 bay south wing, with feature splayed bays on the ground floor and gabled windows above set into steeply pitched slate roof. The significance of Key Fold Farm also includes its historic and architectural interest as a 2 storey brick 19th century former farmhouse. I agree with the assessment that these assets have a low level of significance.
80. The submitted evidence confirms that the appeal site appears to have no historic association with either of those properties. Furthermore, although the proposed development would be noticeable within their respective settings, the evidence before me and my site observations confirm that these would not be altered in a manner that would harm the appreciation of their significance. Consequently, there is no conflict with either Policy 16 of the CLCS and EN8 of the PLP or with the approach to non-designated heritage assets set out in the Framework.

### Highway safety

81. The submitted evidence confirms that the main parties and Local Highway Authority agree that the proposed vehicular access from Garstang Road would achieve the required level of visibility. Furthermore, they agree that an appropriate arrangement would be secure in terms of the relationship and functioning of the scheme with the section of the adjacent Guild Wheel cycle route. From my site observations and the submitted evidence, I have no cause to dispute that common stance. I am satisfied that there would be no conflict with either the Framework or the development plan in this regard.

## **Conditions**

82. A list of planning conditions was submitted by the main parties which reflects the discussion that took place during the Inquiry. These meet the prescribed tests for planning conditions. In particular, they are relevant to and necessary for the appeal proposal to meet provisions of the development plan and Framework. They are set out in the Schedule contained at the end of this Decision.
83. The necessity of certain conditions as pre-commencement conditions was demonstrated as being necessary during the Inquiry and the appellant's written confirmation of these has been provided.
84. Planning condition Nos 1, 2 and 3 would be necessary to define the scope of the outline permission and the applicable timescales involved. Planning condition No 4 would be necessary to secure a suitable Employment and Skills

Plan in line with the SPD and as a public benefit public that weighs in favour of the appeal proposal.

85. Planning condition Nos 5, 6, 14, 15 and 16 would be necessary to ensure that flood risk and drainage is appropriately addressed during the construction and post the construction periods. Planning condition No 7 would be necessary to ensure that the site conditions are understood and satisfactorily addressed.
86. Planning condition Nos 8 and 9 would be necessary to ensure that the construction phase of the proposal would not adversely affect living conditions of neighbouring residents, highway safety or environmental interests. Planning condition Nos 10 and 13 would be necessary in order to safeguard and enhance local biodiversity during the construction and post construction period.
87. Planning conditions Nos 11, 12, 17 and 18 would be necessary in the interests of securing a scheme which is not prejudicial to highway safety during the construction and post construction periods.
88. Planning conditions Nos 19 and 20 would be necessary to secure the proposed accessible homes and larger market homes which fall within the scope of the local needs which Policy 1 seeks to support. These conditions would ensure that the appeal proposal is effective in meeting local needs insofar as they are part of the suite of public benefits that weigh in favour of the appeal proposal.

### **Planning Balance**

89. Despite falling within the open countryside and SAS, there is no conflict with the intentions of Policy EN1 and EN4 of the PLP or with Policy RES1 of the BNP in this particular instance. Although I have attached considerable importance and weight to the less than substantial harm to Grade II listed Bank Hall and Bank Farmhouse and conflict with the Act, that harm has been justified. Therefore, there is no conflict with the development plan or the Framework in that regard.
90. However, by virtue of its location, the appeal proposal conflicts with Policy 1 of the CLCS. Consequently, there is conflict with the adopted spatial strategy. The significance of Policy 1 in setting the strategic parameters for securing for sustainable development leads me to conclude that the appeal proposal would conflict with the development plan when taken as a whole.
91. The Council voiced concerns about the setting of a precent and the undermining of the adopted spatial strategy should the appeal succeed. However crucially, the evidence before me has not demonstrated that the appeal scheme would cause any harm as a consequence of that policy conflict. The appeal proposal would not be inconsistent with the type of development supported by the policies which collectively seek to deliver the spatial strategy. The proposal would not conflict with the development plan in any other regard. Moreover, it would deliver a range of considerable, moderate and limited public benefits for the locality which collectively are of a magnitude that has outweighed the identified heritage harm. No other harm has been substantiated.
92. My attention has been drawn by both of the main parties to a significant number of Decisions to support their respective stances. However, these relate to other sites both within and beyond the Council's jurisdiction and do not alter my own findings outlined in this Decision.

93. Overall, I attribute considerable weight to the identified site and scheme specific matters weighing in favour of this particular appeal proposal. In the absence of any substantiated harm arising from the conflict with Policy 1 of the CLCS, these favourable considerations outweigh the failure of the appeal proposal to accord with the development plan when taken as a whole. This indicates to me that subject to the agreed planning conditions and obligations, a decision taken contrary to the development plan would be justified in this particular instance.

**Conclusion**

94. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

*C Dillon*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

LOC-01 – Location Plan;

10535/5501/001 Rev. E – Proposed Site Access and Pedestrian/Cycle Connections;

PARAM-03 – Parameter Plan;

Ecological Survey and Assessment (December 2022) – 2021-104;

Updated Assessment of Biodiversity Net Gain (December 2023) – 2021-104d

2. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

The submitted landscaping proposals shall include the features for wildlife shown on the indicative site layout Ref: PARAM-03, and the features identified within figures 3 and 4 of the Biodiversity Net Gain Report, showing ecological enhancements. The approved landscaping proposals shall be carried out before any of the buildings are occupied or at such time as the approved proposals may provide.

Any future application for reserved matters approval including layout, scale or appearance shall include full details of the means of storage and disposal of refuse and recycling bins. Thereafter that provision for each dwelling shall be carried out in accordance with the approved details prior to their occupation.

Any future application for reserved matters approval shall include full details of the means of cycle storage suitable for two bicycles per dwelling. Thereafter that provision for each dwelling shall be carried out in accordance with the approved details prior to their occupation.

4. No development shall commence until an Employment Skills Statement and Action Plan has been submitted to and approved by the Local Planning Authority. The Action Plan shall be implemented in accordance with the approved timetable.
5. No development shall commence until a detailed, surface water sustainable drainage strategy for the site and a timetable for its implementation has been submitted to, and approved in writing by, the Local Planning Authority.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i) 100% (1 in 1-year) annual exceedance probability event;
  - ii) 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii) 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i) Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii) Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
  - iii) Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv) Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v) Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
  - vi) Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365 or any subsequent standard.
- d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
- e) Evidence of an agreement in principle with the third party landowners to connect to the off-site surface water sewer.

No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.



The sustainable drainage strategy shall be implemented in accordance with the approved details and timetable.

6. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses.

The approved scheme shall be adhered to and implemented throughout the construction period.

7. No development shall commence until an intrusive Phase 2 Geo-Environmental Site Investigation has been undertaken, the results and recommendations of which should be submitted in a report to the Local Planning Authority for approval.

Where the recommendations of the Site Investigation justify, a Method Statement, Remediation Strategy and Validation Report to verify that the site has been effectively remediated shall be submitted to for the approval of the local planning authority within a timetable which shall have first been agreed with the local planning authority.

8. No development shall commence until a Construction and Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:

- i) The means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) storage, disposal and removal of spoil and waste arising out of the construction works,
- v) hours of working and access,
- vi) site security arrangements, including hoardings and other means of enclosure,
- vii) piling methods, if used,

- viii) wheel cleaning facilities,
- ix) measures to control the emission of dust and dirt during construction, and
- x) measures to control the emission of noise.

The approved CEMP shall be adhered to throughout the construction of the development in accordance with the approved details.

9. No development shall commence until a lighting plan, to include details of lighting to be used during construction and post construction, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.
  
10. No development shall commence until a Construction Environment Management Plan for Biodiversity ("CEMPB") and Habitat Management Plan ("HMP") detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a net gain in biodiversity, have been submitted to and approved in writing by the Local Planning Authority. Within the CEMPB/HMP document the following information shall be provided:
  - i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
  - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
  - iii) Details of both species composition and abundance where planting is to occur;
  - iv) Proposed management prescriptions for all habitats for a period of no less than 30 years;
  - v) Assurances of achievability;
  - vi) Timetable of delivery for all new and enhanced habitats; and
  - vii) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMPB and HMP.

11. The new estate road and access between the site and Garstang Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
12. No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
13. The Reasonable Avoidance Measures described in section 5.3.13 of the Ecological Survey and Assessment report (2021-104) for the avoidance of harm to amphibians shall be implemented and retained during the construction phase of the development.
14. The development hereby approved shall be carried out in accordance with the principles set out within the site-specific flood risk assessment Ref: SHF.1671.006.HY.R.001.B produced in July 2021 by Enzygo and surface water sustainable drainage strategy and Sustainable Drainage Pro-forma submitted in the letter Ref: SHF.1671.006.HY.LT.001.A, produced on 6th February 2023 by Enzygo.

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing and phasing arrangements embodied within the scheme.

15. No part of the development shall be occupied until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

16. No part of the development shall be occupied until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.
17. No part of the development shall be occupied until the new site access and junction to Garstang Road has been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The highway junction scheme shall include the provision of a junction table/ crossover suitable to accommodate the Guild Wheel cycle route at the new junction. Upgrades to the existing two bus stops closest to the south of the site on either side of Garstang Road shall be to the same standard as those provided through the City Deal public realm scheme located to the north of the site (called 'Broughton Village Centre').
18. No part of the development shall be occupied until the proposed parking areas and any associated turning space shown on the approved plans have been completed. Driveways and vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials, not loose stone, gravel or grasscrete. The approved parking and manoeuvring areas shall thereafter always remain available for parking of vehicles associated with the dwelling.
19. 4% of the dwellings approved by this permission shall be built to Category 3 wheelchair user housing M4 (3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 2015 edition.
20. 40% of the market dwellings approved by this permission shall be larger dwellings (4 bedrooms or more).

## **APPEARANCES**

### APPELLANT

Mr Robson, Counsel for the appellant, he called:

Mr Saunders of NJL Consulting

### LOCAL PLANNING AUTHORITY

Mr Grant, Counsel for the Local Planning Authority, he called:

Mrs Williams of Preston City Council

Dr Bullock of arc 4

Miss Holden of Preston City Council

### INTERESTED PARTIES

Cllr Hastings (Chair) for Broughton Parish Council.

## **INQUIRY DOCUMENTS**

- 9.01 - Planning Application Neighbourhood Notification Letter
- 9.02 - Online Map Extracts
- 9.04 - Appellant Opening
- 9.05 - LPA Opening
- 9.06 - List of Non-Designated Heritage Assets
- 9.07 - PPG Housing for Older and Disabled People
- 9.08 - PPG Housing Needs of Different Groups
- 9.09 - Location of Non-Designated Heritage Assets
- 9.10 - Route of Guild Wheel
- 9.11 - Site comparison
- 9.12 - Draft Section 106
- 9.13 - List of Recommended Conditions - version 5 - 08.02.2024
- 9.14 - Garstang Road CIL Compliance Statement LPA
- 9.15 - Agreed Heritage Note
- 9.15 - Appellant's Heritage Note
- 9.15 - LPA's Heritage Note
- 9.16 - Itinerary Key and Site Itinerary Map
- 9.17 - Central Lancashire SHMA Report - August 2009
- 9.18 - Statement by Broughton Parish Council for the Old Bank Hall Field
- 9.19 - North Wiltshire District Council V. Secretary of State for the Environment and Clover.
- 9.20 - Location Plan (updated with reference number LOC-01)
- 9.21 - Parameters Plan (updated to PARAM-03)
- 9.22 - Council's closing statement
- 9.23 - Appellant's closing statement
- 9.24 - Final list of conditions 20.02.2024
- 9.25 - Signed section 106 legal agreement