

# **PRESTON CITY COUNCIL**



**TOWN AND COUNTRY PLANNING ACT 1990**

## **PROOF OF EVIDENCE**

**OF**

**CHRISTOPHER BLACKBURN BSc MSc MRTPI**

**PLANNING POLICY TEAM LEADER**

**PRESTON CITY COUNCIL**

**Appeal Site:** Land at Cardwell Farm, Garstang Road, Preston, Barton,  
PR3 5DR

**Appeal Proposal:** Outline planning application for up to 151no.  
dwellings and community building with associated works (access applied  
for only)

**Appeal By:** Wainhomes (North West) Limited

**Inspectorate Ref:** APP/N2345/W/20/3258889

**Preston City Council Ref:** 06/2019/0752

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# 1 INTRODUCTION

1.1 I am Christopher Blackburn. I am employed as Planning Policy Team Leader for Preston City Council, and have been employed by the Council in that or other posts for 12 years. I have close to 18 years' experience of planning policy, development management and urban regeneration in various parts of Lancashire and have been a Chartered Town Planner (MRTPI) since 2014.

1.2 I hold a Bachelor of Science degree in Geography and a Master of Science degree in Environmental Planning.

1.3 My evidence is concerned with;

- the Council's five year supply position and the relevant figure to use in assessing it, as set out in paragraphs 60, 73 and 74 of the National Planning Policy Framework (subsequently referred to as the "Framework");
- the status of the most important Development Plan policies for determining this appeal and the weight to be attributed to the same;
- whether or not the presumption in favour of sustainable development (subsequently referred to as the "tilted balance") as set out in paragraph 11 of the Framework is engaged for the purposes of this appeal;
- the weight to be attributed to the most important Development Plan policies in the alternative i.e. where the tilted balance is engaged for housing land supply reasons or otherwise.

1.4 This proof of evidence should be read in conjunction with that of Robert Major, and does not intend to repeat any of that evidence, including site specific details, compliance of the appeal proposal with the Development Plan or otherwise, as well as information pertaining to the location of the appeal site with reference to the spatial strategy in the Development Plan, and the overall Planning Balance.

*Statement of Truth*

1.5 The content contained within this proof is true to the best of my knowledge. In submitting this proof, I confirm that I have complied with my professional requirements as set out in the Royal Town Planning Institute Code of Professional Conduct, which require me to act with competence, honesty and integrity, and exercise independent professional judgement at all times.

## **2 THE HOUSING REQUIREMENT AND HOUSING LAND SUPPLY**

- 2.1 In July 2012, Preston City Council, South Ribble Borough Council and Chorley Council (subsequently referred to as the “Central Lancashire authorities”) adopted the Central Lancashire Core Strategy (subsequently referred to as the “Core Strategy” or “CS”).
- 2.2 The Core Strategy represents the strategic development plan for the Central Lancashire authorities, whilst all three authorities subsequently adopted Site Allocations & Development Management Policies Local Plans in 2015 (the Preston Local Plan 2012-2026 was adopted in July 2015 and will be subsequently referred to as the “Local Plan”), all were in general conformity with the Core Strategy and did not revisit the fundamentals of Core Strategy policy.
- 2.3 CS Policy 4 contains the housing requirement for each of the Central Lancashire authorities for the plan period. CS Policy 4 provides for a minimum of 507 net additional homes per annum in Preston and 417 net additional homes per annum in both South Ribble and Chorley. CS Policy 4 also outlines the approach to monitoring housing delivery; the need to ensure a five year supply of deliverable housing land; the brownfield land development target; and, the approach to ensuring the availability of medium and longer term housing land. The policy wording in full is shown on pages 4 and 5.

*“Provide for and manage the delivery of new housing by:*

*(a) Setting and applying minimum requirements as follows:*

*Preston 507 dwellings pa*

*South Ribble 417 dwellings pa*

*Chorley 417 dwellings pa*

*with prior under-provision of 702 dwellings also being made up over the remainder of the plan period equating to a total of 22,158 dwellings over the 2010-2026 period.*

*(b) Keeping under review housing delivery performance on the basis of rolling 3 year construction levels. If, over the latest 3 year review period, any targets relating to housing completions or the use of brownfield are missed by more than minus 20%, the phasing of uncommitted sites will be adjusted as appropriate to achieve a better match and/or other appropriate management actions taken; provided this would not adversely impact on existing housing or markets within or outside the Plan area.*

*(c) Ensuring there is enough deliverable land suitable for house building capable of providing a continuous forward looking 5 year supply in each district from the start of each annual monitoring period and in locations that are in line with the Policy 1, the brownfield target (of 70% of all new housing) and suitable for developments that will provide the range and mix of house types necessary to meet the requirements of the Plan area.*

*(d) Ensuring that sufficient housing land is identified for the medium term by identifying in Site Allocations Documents a further supply of specific, developable sites for housing and in the longer term by identifying specific developable sites or broad locations for future growth.”*

- 2.4 The Core Strategy explains that the housing requirements contained with CS Policy 4 are extracted from the North West Regional Spatial Strategy (RS), adopted in September 2008. Indeed the Core Strategy states that the RS “sets out housing requirements for each authority, informed partly by future household projections as well as optimistic future economic growth assumptions”<sup>1</sup>.
- 2.5 Furthermore, the Core Strategy goes on to state that the housing requirement figure contained within the RS pre-dates the global economic downturn which started at the end of 2007, and the consequential severe impact on housing delivery throughout the country.
- 2.6 Indeed the Core Strategy clearly outlines the uncertainties in assessing housing need at the time, referencing both the 2006-based and 2008-based household projections the former of which was higher than the RS requirement, and the latter lower.

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<sup>1</sup> A1: Central Lancashire Core Strategy (July 2012), Paragraph 8.4

- 2.7 Despite these uncertainties the RS represented the only Development Plan housing requirement which the Core Strategy could base itself on.
- 2.8 The evidence which underpinned the housing requirements contained within the RS is fixed from a baseline date of April 2003, almost 18 years ago.
- 2.9 As a consequence, upon adoption of the Core Strategy in 2012, and despite the plan period for the Core Strategy being from 2010 to 2026, the housing requirement of 507 dwellings per annum for Preston City Council took effect from April 2003. As such, the Council's housing delivery was, in effect, being measured against the RS requirement 5 years before the RS was adopted and 9 years before the Core Strategy was adopted.
- 2.10 By the time the Core Strategy was adopted, the Council already had an undersupply of 803 net additional homes, having managed to deliver 3,253 net additional homes by April 2011<sup>2</sup>. This undersupply was compounded by low levels of housing delivery associated with the economic downturn in the years immediately following the adoption of the Core Strategy.
- 2.11 In May 2013, less than 12 months after the adoption of the Core Strategy, the RS was abolished by Government and immediately became obsolete. The

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<sup>2</sup> A1: Central Lancashire Core Strategy (July 2012) Table 3, Page 69



housing requirement contained with CS Policy 4 however remained, given the policy had only recently been adopted.

2.12 In recognition of the fact the RS had been revoked, and that the housing requirement in CS Policy 4 was based on household projections from 2003, the Central Lancashire authorities, by 2016, became increasingly concerned as to the reliability of the housing requirement and the extent to which it represented an up-to-date Objectively Assessed Need (OAN) in Central Lancashire. In preparation for a wider review of the Development Plan, the Central Lancashire authorities commissioned GL Hearn in 2016 to undertake a Strategic Housing Market Assessment (SHMA).

2.13 In September 2017 the SHMA was published by the Central Lancashire authorities. The base date for the SHMA was April 2014. The SHMA found that whilst there were differences in the distribution in each individual authority, across Central Lancashire there was not a significant difference between the up-to-date OAN and the housing requirement contained within CS Policy 4. **Table 1** shows, for comparison, both the CS Policy 4 housing requirement and the September 2017 SHMA OAN from a base date of April 2014 for each of the Central Lancashire authorities. As can be seen in the table, the SHMA OAN exceeded the CS Policy 4 annual requirement by only 20 net additional dwellings per annum.

**Table 1: CS Policy 4 Housing Requirement/SHMA Objectively Assessed Need Comparison**

	<b>CS Policy 4 Requirement</b>	<b>% Distribution</b>	<b>SHMA OAN (April 2014)</b>	<b>% Distribution</b>	<b>Numerical Swing</b>
<b>Preston</b>	507	38%	402	30%	-105
<b>South Ribble</b>	417	31%	440	32%	+23
<b>Chorley</b>	417	31%	519	38%	+102
<b>Total</b>	<b>1,341</b>		<b>1,361</b>		<b>-20</b>

2.14 As a result, the Central Lancashire authorities agreed that the most pragmatic solution at that time would be to retain the housing requirement figures and distribution set out in CS Policy 4, rather than to proceed to a partial review of the Core Strategy on this point alone. Pending a full review of the Core Strategy and individual Local Plans, this approach would ensure the OAN across Central Lancashire would still be met.

2.15 The decision to retain the housing requirement figures and distribution was taken by the Central Lancashire authorities in the form of a Memorandum of Understanding (MOU1). MOU1 was formally approved in October 2017 and confirmed a commitment to the housing requirements and distribution contained within CS Policy 4 until a full review of the Development Plan had taken place.

2.16 The agreement contained within MOU1 was as follows:

*“Chorley Borough Council, Preston City Council and South Ribble Borough Council agree:*

*(a) To continue until the adoption of a replacement local plan to apply the housing requirements set out in the Joint Central Lancashire Core Strategy Policy 4, i.e.*

*Chorley: 417 dwellings per annum*

*Preston: 507 dwellings per annum*

*South Ribble: 417 dwellings per annum.*

*(b) That there is no requirement for each local planning authority to meet its identified individual Objectively Assessed Need for housing where higher in view of this agreement and the longstanding and continuing joint working between the Councils.*

*(c) To continue the existing monitoring arrangements for the Central Lancashire Core Strategy and individual local plans to confirm that the MOU is delivering as intended.”*

2.17 Section 7 of MOU1 reads:

*“The document will be reviewed no less than every three years and will be reviewed when new evidence that renders this MOU out of date emerges.”*

2.18 Clearly therefore two distinct conclusions can be drawn from this analysis of MOU1 and the work that took place up to its conclusion in October 2017. Firstly, MOU1 was time limited, its purpose was to provide a ‘stop-gap’ position, which maintained the status quo, until a full Development Plan review had taken place. Secondly, that it was likely to be superseded by a subsequent review, undertaken in light of a change in circumstances, the most obvious one being a change to national planning policy (if this were to occur prior to a full Development Plan review).

2.19 In July 2018, and latterly February 2019, the Government published a revised National Planning Policy Framework. The revised Framework introduced the standard methodology as a means for local planning authorities to identify its Local Housing Need (LHN) figure. The standard methodology formula calculates local housing need based on an authority’s forward looking (ten year) household growth projections (published by the Office for National Statistics) to establish a baseline, to which an affordability adjustment based on a house price to earnings ratio specific to each authority, is then applied.

2.20 Paragraph 59 and 60 of the Framework introduce the Government policy for delivering a sufficient supply of housing. The paragraphs state:

*“59. To support the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with*

*specific housing requirements are addressed and that land with planning permission is developed without unnecessary delay.”*

*“60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”*

2.21 The introduction of the standard methodology to calculate LHN represents a significant change in circumstances. The introduction of the standard methodology represents a fundamentally different approach and one which cannot be ignored. The Framework still seeks to boost significantly the supply of housing, but it is now the standard methodology which is the means to deliver such a significant boost, the LHN figure is to be seen as a minimum need not a housing requirement figure per se.

2.22 Paragraph 73 of the Framework states:

*“... Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in*

*adopted strategic policies <sup>36</sup>, or against their local housing need where the strategic policies are more than 5 years old <sup>37</sup>. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

*(a) 5% to ensure choice and competition in the market for land; or*

*(b) 10% where the local planning authority wishes to demonstrate a 5 year supply of deliverable sites through an annual position statement or recently adopted plan <sup>38</sup>, to account for any fluctuations in the market during that year; or*

*(c) 20% where there has been significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned supply <sup>39</sup>.”*

2.23 Footnote 37 to paragraph 73 of the Framework reads:

*“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.”*

2.24 As previously stated, the Core Strategy was adopted in July 2012, and is therefore now over 8 years old. Whilst MOU1 pre-dates the revisions to the Framework originally published in July 2018, I acknowledge that the process the Central Lancashire authorities undertook in entering into MOU1 could be considered a 'review' of CS Policy 4 as described in paragraph 73 and footnote 37 of the Framework.

2.25 It is worthy of note that the issue of whether or not the process the Central Lancashire authorities undertook in entering into MOU1 was considered and summarised by Mr Justice Dove in the High Court judgement in *Wainhomes (North West) Limited -v- Secretary of State for Housing Communities and Local Government & South Ribble Borough Council*<sup>3</sup> concerning the Secretary of State's decision to dismiss an appeal and refuse outline planning permission for 100 dwellings. In quashing the decision of the Secretary of State, the judge made clear that the Inspector appointed by the Secretary of State to handle the appeal had not adequately explained her reasons for concluding that CS Policy 4 had not been reviewed nor that a review of the entire policy (not just the housing requirement part) had to take place for footnote 37 to paragraph 73 of the Framework to be engaged.

2.26 Furthermore, in his concluding remarks in the aforementioned High Court judgement, Mr Justice Dove maintained that the Inspector's conclusion that CS

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<sup>3</sup> G1: [2020] EWHC 2294 (Admin)

Policy 4 was out of date was “a planning judgement reasonably open to her based upon a correct interpretation of the PPG (albeit other conclusions might reasonably be reached by other Inspectors)”.

2.27 In acknowledgment of the significant change in circumstance brought about by the introduction of the standard methodology, the Central Lancashire authorities undertook a review of MOU1. This review commenced in April 2019 when the Central Lancashire authorities commissioned Icen Projects Ltd to produce a Central Lancashire Housing Study<sup>4</sup> for two specific reasons. Firstly, to assess whether or not the standard methodology was the correct starting point for determining local housing need in Central Lancashire (with reference to paragraph 60 of the Framework), and, secondly what the most sustainable distribution of the aggregate local housing need would be across Central Lancashire.

2.28 The Central Lancashire Housing Study, published in March 2020, concluded that the local housing need figure for Central Lancashire (at that time 1,026 net additional homes per annum, April 2019) was the appropriate figure, at a Central Lancashire level, to calculate the five year supply of deliverable housing land.

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<sup>4</sup> A11: Central Lancashire Housing Study (March 2020)



2.29 Based on an assessment of a number of factors including (but not limited to) population distribution, workforce distribution, job distribution, affordability and land constraints, the Central Lancashire Housing Study concluded that an appropriate distribution of the aggregate local housing need across Central Lancashire would be to apportion 40% to Preston, 32.5% to South Ribble and 27.5% to Chorley. At that time this meant the Central Lancashire redistributed local housing need figures were 410 for Preston, 334 for South Ribble and 282 for Chorley.

2.30 Following publication of the Central Lancashire Housing Study the Central Lancashire authorities entered into a second MOU (MOU2) in April 2020. The introduction of the standard methodology constituted a significant change in circumstance which triggered the clause contained in Section 7 of MOU1, as set out in paragraph 2.17 of this proof. Upon approval of MOU2, MOU1 was superseded and became redundant. The agreement contained within MOU2 was:

*“Preston City Council, South Ribble Borough Council and Chorley Council hereby agree:*

*(a) to adopt the use of the standard method formula to calculate the minimum number of homes needed in Central Lancashire (1,026 pa as at April 2019), in accordance with national policy, in replacement of the out-of-date housing requirements set out in Policy 4 of the Central Lancashire Core Strategy.*

*(b) to apply the recommended distribution of homes as follows:*

<i>Preston:</i>	<i>40%</i>
<i>South Ribble:</i>	<i>32.5%</i>
<i>Chorley:</i>	<i>27.5%</i>
<b><i>Total:</i></b>	<b><i>100%</i></b>

*(c) to review the recommended distribution of homes set out in (b) no less than every three years or upon the adoption of a new Central Lancashire Local Plan, whichever is sooner, unless new evidence that renders this document out of date emerges.*

*(d) to produce a Statement of Common Ground annually to update the actual minimum housing requirements across Central Lancashire, in accordance with the agreed distribution set out in (b) until adoption of a new Central Lancashire Local Plan. At April 2019, these requirements are as follows:*

<i>Preston:</i>	<i>410 dwellings pa</i>
<i>South Ribble:</i>	<i>334 dwellings pa</i>
<i>Chorley:</i>	<i>282 dwellings pa</i>
<b><i>Total:</i></b>	<b><i>1,026 dwellings pa</i></b>

*(e) to co-operate in the performance and monitoring of the MOU generally and to monitor housing completions and each Council's respective five-year housing land supply position against the*

*requirements set out in (d) (or subsequent Statements of Common Ground) with immediate effect.”*

2.31 As per the agreement at part (d) of MOU2, in May 2020 the Central Lancashire authorities published a Statement of Common Ground to update the local housing need figures in order that they be accurate at April 2020. As a result of this factual change, the relevant local housing need figures used in MOU2 became 404 for Preston, 328 for South Ribble and 278 for Chorley.

2.32 It is important to stress therefore that the decision to move away from the CS Policy 4 requirement to the standard methodology local housing need figure was made by the Council for understandable and legitimate reasons. Those being that the housing requirement contained with CS Policy 4 was considerably out of date, being based on household growth projections from 2003, and the publication of the revised Framework in 2018 constituted a significant change in circumstances. In my professional opinion that was the correct thing to do, and it would have been remiss of the Council to have ignored the changing nature of national planning policy taking place at the time. Indeed, further to this, National Planning Practice Guidance advocates the need for plans to be reviewed regularly in order to ensure policies remain relevant and to account for significant changes in circumstances which may occur, such as

the implementation of the standard methodology for calculating local housing need<sup>5</sup>.

2.33 On 1 June 2020 the Council received a Judicial Review claim to MOU2 which contained five grounds of challenge. These grounds of challenge can be summarised as follows:

2.33.1 In arriving at the decision to adopt the MOU2 the Council has misinterpreted and misunderstood national planning policy in relation to the use of the “standard method” for the calculation of five year land supply of specific deliverable sites.

2.33.2 In reaching the decision to redistribute the aggregate figure for Preston, South Ribble and Chorley, the Council (together with the other two authorities) has had regard to an immaterial consideration.

2.33.3 The Council has adopted MOU2, which it is claimed is a development plan document, without following the legal requirements for the creation of a development plan document.

2.33.4 In reaching the decision to adopt MOU2 the Council wrongly had regard to the Chain House Lane appeal decision.

2.33.5 The decision to approve MOU2 was taken by the Leader of the Council when it could only have been taken by the Full Council.

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<sup>5</sup> National Planning Practice Guidance, Paragraph 062 (Reference ID: 61-062-20190315)

2.34 Whilst the Judicial Review claim remains live and is yet to be heard, in the intervening period of time matters have moved on.

2.35 During June and July 2020 MOU2 was subject to scrutiny at a public inquiry held in Chorley<sup>6</sup>. The Inspector's decision letter allowing the appeal was issued on 11 August 2020. This decision is particularly relevant given the weight the Inspector attributed to MOU2.

2.36 In allowing the appeal the Inspector made substantial comments between paragraphs 20 to 34 of the decision letter in relation to MOU2 and the weight to be attributed to it. Specifically, I highlight below the Inspector's conclusion to this analysis.

*32. Paragraph 48 of the Framework allows weight to be given to policies in emerging plans, according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency to the Framework. This guides my assessment of the weight that can be given to a housing requirement based on the redistribution of LHN in MOU2, as a policy document which informs the emerging CCLP. The emerging plan is at a very early stage and carries limited weight in this appeal. Although the MOU2 redistribution is an agreed position by the LPAs, there are significant unresolved objections to the recommended figures, which may result in Chorley's apportionment being modified following examination. For these reasons and in the light of my*

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<sup>6</sup> F1: APP/D2320/W/20/3247136, Land at Pear Tree Lane, Euxton, Chorley

*consideration of the evidence submitted, I attach limited weight to the housing requirement figure for Chorley of 278 dpa in this appeal.*

*33. However, full weight can be attached to the standard method LHN figure for Chorley, given that its value and use in this case are entirely consistent with the Framework and the PPG. Accordingly, I conclude that the figure of 569 dpa should be used for the purposes of calculating the 5YHLS in this appeal. This would also support the Government's objective, in paragraph 59 of the Framework, of significantly boosting the supply of homes.*

2.37 In light of this appeal decision and the Inspector's detailed analysis of MOU2, attributing it "limited weight" and determining that the standard methodology (on an individual authority basis) represented the local housing need in Chorley, this Council's Cabinet made a decision on 4 November 2020 to authorise the Council's immediate withdrawal from MOU2. From this point MOU2 was disregarded by the Council in the decision making process.

2.38 The commentary and analysis I have provided in the preceding paragraphs leads to one logical conclusion. CS Policy 4 is, on the whole, out of date. Drawing together the various strands which support this conclusion:

- CS Policy 4 was adopted in 2012.
- The housing requirement contained within CS Policy 4 corresponds to that set out in the RS, based on household growth projections from 2003.

- The RS was adopted in 2008, prior to the economic downturn, and abolished in 2013.
- The revised Framework, published in July 2018, introduced the standard methodology into national policy, which represents a significant change in circumstance and is the means by which the Government seeks to boost the supply of housing across the country.
- MOU1 was reviewed and replaced by MOU2 in April 2020.
- The Council withdrew from MOU2 in November 2020 and from that time it was disregarded for the purposes of decision making.

2.39 It is therefore reasonable to assume that CS Policy 4 has been subject to a paragraph 73 and footnote 37 review since its adoption in 2012. However the outcome of that review (MOU1) has been the subject of review, given that circumstances have significantly changed since MOU1 was adopted. Indeed, the outcome of that reconsideration of MOU2 ultimately resulted in the Council withdrawing from MOU2.

2.40 Thus it is considered inappropriate to arrive at a conclusion other than CS Policy 4 being an out of date policy for the purposes of establishing the relevant housing requirement figure for Preston. The solus standard methodology local housing need figure is the most (and only) appropriate figure to monitor and assess housing land supply in Preston. This is because the standard

methodology local housing need figure has been introduced by the Government as the mechanism to boost significantly the supply of housing across the country and national policy is clear that this approach should be used in circumstances where relevant Development Plan policies are out of date.

2.41 At April 2020 the standard methodology local housing need figure for Preston is 250 net additional homes per annum. In November 2020 the Council published its Housing Land Position Paper<sup>7</sup>, which has a base date of 1 October 2020. For ease of reference, the five year supply position table from that paper is shown in **Table 2**.

**Table 2: Five Year Housing Land Supply, October 2020**

<b>5 Year Supply as at 01/10/2020</b>	
5 year requirement (5 x 250)	1250
5 year requirement with 5% buffer	1313
Annual requirement for the 5 year period	263
5 year potential supply	3769
5 year potential supply minus 5% covid-19 reduction	3581
<b>5 year supply position</b>	<b>13.6</b>

2.42 The first row of the table represents the minimum local housing need over the five year period, the second row adds a 5% buffer in accordance with part (a) to paragraph 73 of the Framework in order to ensure choice and competition in the market for land. This gives a five year total local housing need of 1,313 new

<sup>7</sup> A8: Preston City Council Housing Land Position at 1<sup>st</sup> October 2020



homes, or 263 new homes per annum. The Council's supply of deliverable housing land, based on the current stock of planning permissions, equates to 3,769 net additional homes. The source of this figure and all the sites which make up this supply are set out in Table 3.1 of the Housing Land Position Paper. The sites included in this supply are taken from the stock of planning permissions relating to housing development, and applying the definition of 'deliverable'<sup>8</sup> as set out in national policy. The assumptions on delivery rates from sites within the supply of deliverable sites is, where possible, based on historic delivery trends specific to particular housebuilders on sites within Preston.

2.43 In order to allow for a potential reduction in the delivery of new homes as a result of the Covid-19 pandemic, the available supply has been subject to a blanket 5% deduction, reducing the overall figure by 188 net additional homes (which equates to approximately 0.7 years supply) to 3,581 net additional homes. This level of deliverable housing land supply is agreed between the Council and the appellants, as set out in the Statement of Common Ground (Housing Supply)<sup>9</sup> signed in January 2021.

2.44 Against a local housing need over the period October 2020 to October 2025 of 1,313 net additional homes, the Council can currently demonstrate a 13.6 year

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<sup>8</sup> National Planning Policy Framework (2019), Annex 2

<sup>9</sup> B4: Statement of Common Ground (Housing Supply) between Preston City Council & Wainhomes (North West) Ltd (January 2021)

supply of deliverable housing land. Again, the Council and the appellants are in agreement on this point.

2.45 Finally, it is not suggested that the standard methodology local housing need figure is the Council's housing requirement figure, or the level of housing growth the Council aspires to deliver within the city, through the Preston, South Ribble and Lancashire City Deal (subsequently referred to as the "City Deal") for example. Far from it. The local housing need figure represents the minimum baseline which the Council can begin to work from to understand its real housing requirement which will become clearer as the review of the Development Plan continues in the coming years.

2.46 In this way, the Council is using the standard methodology local housing need for the purpose intended in the Framework, as an interim measure of housing land supply in circumstances where the relevant Development Plan policy is out of date, in advance of a wider Development Plan review process.

2.47 Indeed, this much is clear from both the extent of the current housing land supply and the recent actual levels of housing delivery in Preston. In relation to housing delivery, the Council is assessed by Government through the publication of the annual Housing Delivery Test (HDT) score which assesses housing delivery against local housing need as a percentage on a rolling three

year basis. Since inception of the HDT in 2018 the Council has consistently achieved excellent levels of performance. **Table 3**, which is a replication of Table 2.1 from the Housing Land Position Paper, reflects this.

**Table 3: Net Housing Completions and HDT Scores 2017-2020**

<b>Monitoring Period</b>	<b>Net completions</b>	<b>HDT score (if available)</b>
April 2017 - March 2018	634	252%
April 2018- March 2019	785	313%
April 2019 - October 2020	1121	
<b>Total</b>	<b>2540</b>	

### 3. THE MOST IMPORTANT DEVELOPMENT PLAN POLICIES AND THE WEIGHT TO BE ATTRIBUTED TO THEM

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the development plan is the starting point in that determination, and that determination must be in accordance with the development plan unless material considerations indicate otherwise.

3.2 Both parties to this appeal agree on the most important Development Plan policies for determining this appeal, as set out in the Statement of Common Ground<sup>10</sup>. For ease of reference these are agreed to be:

Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 4: Housing Delivery

Preston Local Plan 2012-2026 (Site Allocations & Development Management Policies)

Policy EN1: Development in the Open Countryside

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<sup>10</sup> B3: Statement of Common Ground (December 2020)

Policy AD1(b): Small Scale Development within Existing Villages (Including the Development of Brownfield Sites)

- 3.3 Section 2 of this proof gives a detailed and forensic analysis of CS Policy 4 in arriving at the conclusion that for the purposes of determining this appeal the policy, as a whole, is out of date. The main purpose of CS Policy 4 is to establish the housing requirement for the Central Lancashire authorities alongside the monitoring arrangements and reasons why a review of land release may be triggered. For this reason, I come to the conclusion that the policy, when read as a whole is out of date, that is in spite of the fact that certain parts of the policy, such as the aspirations regarding the development of brownfield land, remain relevant and applicable.
- 3.4 CS Policy 4 is comprised of four parts, (a) – (d), with part (a) dealing with the housing requirement. As set out in paragraph 2.3 of this proof, the remaining parts are largely uncontroversial in content, discussing monitoring arrangements and the mechanism by which the release of additional land for housing would be undertaken if circumstances necessitated. In addition, part (c) references the corresponding 70% brownfield development target, with part (b) referencing a trigger for intervention where this target is missed by *‘more than minus 20%’*.

3.5 Aside from the housing requirement contained in part (a) of CS Policy 4 the remaining content is therefore uncontroversial, mechanist in nature and does not give rise to an obvious conflict with national policy. It is my view therefore that whilst on the whole CS Policy 4 is out of date, the remaining content i.e. parts (b) – (d) would attract limited weight. That being said, aside from the targets relating to brownfield land development, it is not obvious to see how the remaining content would be applied in the decision-making process and as such giving parts (b) – (d) of CS Policy 4 limited weight in the determination of this appeal would not give rise to a need for any in-depth analysis or commentary.

3.6 The only matter I would draw attention to is the target relating to brownfield development. Section 2.3 of the Council's up-to-date Housing Land Position Paper<sup>11</sup> presents the greenfield/brownfield analysis of housing development in Preston since 2017. Whilst this analysis does show that only 32% of housing development in that period of time has taken place on brownfield land, a proportion which would normally be a cause for concern with reference to the 70% target in the Development Plan, I do not wish to highlight this as a point of any particular relevance or importance in the determination of this appeal. There are several reasons for which I say this.

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<sup>11</sup> A8: Preston City Council Housing Land Position at 1<sup>st</sup> October 2020

3.7 Firstly the 70% reference is a target to aim for, not a threshold and when more recent performance is assessed against housing delivery since commencement of the relevant Core Strategy monitoring period (2003), the proportion of development on brownfield land is much higher, at 60%. Secondly, the swing toward greenfield development is expected given the two major housing allocations in the Development Plan (Cottam Strategic Site and North West Preston Strategic Location) are both predominantly greenfield and together seek to deliver over three quarters of all new housing development identified in the Local Plan. As such, whilst the appeal site is greenfield, and would therefore not contribute to improving the proportion of brownfield development in Preston, it would be neither reasonable nor consistent to raise a significant objection to the appeal proposal on this basis, especially given CS Policy 4, on the whole is considered to be out of date.

3.8 Overall therefore, in relation to paragraph 73 and footnote 37 to the Framework, CS Policy 4 has been subject to a 'review' since its adoption in 2012, however the product of that 'review' has itself been overtaken by later changes in circumstances (changes to national policy) rendering the housing requirement contained within CS Policy 4 obsolete for the purposes of determining planning applications.

3.9 For the reasons I shall now present, it is my professional opinion that CS Policy 4 being out of date, and thus attracting limited weight in the determination of

this appeal, does not automatically result in the other most important policies for determining this appeal (CS Policy 1 and Local Plan Policies AD1(b) and EN1) also being out of date.

3.10 The evidence I have provided in paragraphs 2.41 – 2.44 of this proof makes clear that the Council can currently demonstrate a 13.6 year supply of deliverable housing land. The “tilted balance” described in paragraph 11 (d) and footnote 7 of the Framework is therefore not engaged for reasons related to housing land supply. I accept however that the presence or otherwise of a five year supply of deliverable housing land is not the only reason the “tilted balance” can be engaged.

3.11 For the reasons I shall now set out I will demonstrate that the most important policies for determining this appeal are not, collectively, out of date for reasons which are not connected to housing land supply, such as consistency and compliance with the Framework. In these terms, if the most important policies for determining the application are not collectively out of date and given the Council can demonstrate a 13.6 year supply of deliverable housing land, it is my view that the “tilted balance” is not engaged for housing land supply or non-housing land supply reasons, and as a result the appeal ought to be determined by way of engaging the standard planning balance, according to Section 38(6) of the Planning and Compulsory Purchase Act 2004. What I would refer to as the normal way any planning application is determined.



3.12 In support of this contention, attention ought to be drawn to the Inspector’s comments in the Pear Tree Lane appeal decision<sup>12</sup> in Chorley referred to earlier in this proof. Mindful of the fact that the Core Strategy is the strategic Development Plan document for Central Lancashire, in concluding that CS Policy 4 was out of date, the Inspector stated the following at paragraph 46 of the decision letter:

*“46. However, the fact that Policy 4 is out-of-date for this reason, does not necessarily mean the spatial strategy in Policy 1 of the CLCS for the distribution of its housing requirements is also out-of-date. Although the two alternative distributions of the standard method LHN figures put forward in this appeal would lead to a much higher (569 dpa) or lower (278 dpa) quantum of housing growth in Chorley borough than the CLCS apportionment (417 dpa), Policy 1 still provides for growth to be concentrated in Chorley town and some to be located at Euxton and other local service centres in the borough.”*

3.13 CS Policy 1 deals with the spatial strategy for growth in Central Lancashire. The policy states that for Preston this means focussing growth on “*well located brownfield sites*” (which aligns with the 70% brownfield development target in CS Policy 4(c)) and the Strategic Location of Central Preston (which is comprised of the city centre and adjoining inner urban deprived neighbourhoods). The policy goes on to state that whilst some greenfield

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<sup>12</sup> F1: APP/D2320/W/20/3247136, Land at Pear Tree Lane, Euxton, Chorley

development will be required in urban fringe locations the “*character of suburban and rural areas*” will be protected.

3.14 CS Policy 1 then, in effect, provides a hierarchy of growth areas in parts (a) to (f) of the policy, with the scale of growth supported decreasing as one moves through the criterion of the policy.

3.15 For Preston the relevant parts of the policy to focus on are:

3.8.1 Part (a)(i) – the Central Preston Strategic location and inner city suburbs.

3.8.2 Part (a)(ii) – the Cottam Strategic Site and North West Preston Strategic Location.

3.8.3 Part (b)(iii) – land within Preston required to support the development of Longridge as a Key Service Centre.

3.8.4 Part (f) – all other places, smaller villages and built up frontages where development will typically be “*small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes*”.

3.16 The corollary of the express statements in CS Policy 1 is that in all other locations of Preston growth and investment will not be “*focussed*” or

*“concentrated”* and in order to protect the *“character of suburban and rural areas”* a presumption against harmful development will be applied. In this sense it is more than reasonable to assume that CS Policy 1 seeks to constrain housing development in those areas not listed in parts (a) to (f) of the policy or on *“well located brownfield sites”*.

3.17 CS Policy 1 does not, in itself, establish or define settlement boundaries to any of the locations described within it. That matter is deferred to more detailed Local Plans within each of the Central Lancashire authorities. It is therefore fair and reasonable to state that CS Policy 1 does not, without associated reference to other policies within the Development Plan, unduly constrain development from taking place. In assessing whether or not to determine whether CS Policy 1 was out of date in the Pear Tree Lane appeal decision, the Inspector notes this very point, *“the evidence before me does not show that Policy 1 would unreasonably constrain the ability of the borough to accommodate its standard method housing requirement of 569 dpa. As such, I do not consider that Policy 1 of the CLCS (Central Lancashire Core Strategy) is out-of-date for the purposes of this appeal”*<sup>13</sup>.

3.18 Turning to the Framework itself, paragraph 17 states that the Development Plan must include strategic policies to address the priorities for development and paragraph 20 states that strategic policies should set out an overall strategy for

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<sup>13</sup> F1: APP/D2320/W/20/3247136, Land at Pear Tree Lane, Euxton, Chorley (Paragraph 47)

the “*pattern, scale and quality of development*”<sup>14</sup>, making sufficient provision for housing, and other key land uses such as employment and retail. CS Policy 1 is the strategic policy for Central Lancashire which establishes the priorities for development and the overall strategy for the pattern and scale of development across the area.

3.19 Paragraph 23 of the Framework reads as follows:

*“23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies).”*

3.20 CS Policy 1 is accompanied by a Key Diagram<sup>15</sup> which is a visual representation of the broad locations for growth set out in the body of the policy. CS Policy 1 provides the strategy to bring sufficient land forward to meet the development needs identified elsewhere in the Core Strategy (for the avoidance

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<sup>14</sup> National Planning Policy Framework (2019), Paragraph 20

<sup>15</sup> A1: Central Lancashire Core Strategy (2012), Figure 19

of doubt, in relation to housing this is a Central Lancashire plan period total of at least 21,456 net additional homes, and for Preston a plan period total of 8,112 net additional homes – these figures are not inclusive of undersupply prior to 2010).

- 3.21 Paragraph 117 of the Framework states that planning policies should promote the effective use of land, whilst safeguarding and improving the environment. The paragraph goes on to state that strategic policies should set out a clear strategy for accommodating development needs. As previously stated, CS Policy 1 establishes a spatial strategy for growth across Central Lancashire which seeks to focus development in the most sustainable locations, including brownfield land, thereby safeguarding and improving the environment.
- 3.22 Paragraph 118 of the Framework requires planning policies to give substantial weight to the utilisation of brownfield land, within settlements to meet identified needs, including the remediation of derelict and contaminated land and under-utilised buildings. CS Policy 1 focusses growth and investment on brownfield land, the city centre and inner city suburbs.
- 3.23 CS Policy 1 does not give rise to conflict with any specific part of the Framework, or the Framework taken as a whole. On the contrary, it is my view that CS Policy 1 is in full conformity with the Framework and helps to support

the Central Lancashire authorities in meeting the overarching aims and aspirations of national policy.

3.24 As set out in paragraph 2.2 of this proof, the Development Plan in Preston also includes the Local Plan. Policy EN1 of the Local Plan relates to development within an area of open countryside, as shown on the accompanying Policies Map. Site specific details for the appeal proposal are contained within the proof of Robert Major, however, save for a small area of land at the point at which the site accesses Garstang Road, the appeal site is within an area of open countryside.

3.25 Policy EN1 clearly states that development within the open countryside will be limited to:

3.25.1 Development required for agriculture, forestry or other uses appropriate to the rural areas which help to diversify the rural economy (for example farm diversification proposals).

3.25.2 The re-use or re-habitation of existing buildings.

3.25.3 Infilling within groups of buildings in smaller rural settlements.

- 3.26 The policy also exempts development permissible under Policy HS4 (Rural Exception Affordable Housing) and Policy HS5 (Rural Workers' Dwellings in the Open Countryside) of the Local Plan.
- 3.27 Policy EN1 clearly does therefore restrict development which takes place within the open countryside and constrains the release of open countryside land for housing development. Given the open countryside abuts the boundary of existing settlements, it also helps to define the boundaries of those settlements. Policy EN1 however is entirely in conformity with CS Policy 1 and serves to assist the spatial strategy for growth by limiting development within the open countryside to that permissible in part (f) of CS Policy 1.
- 3.28 In addition to the parts of the Framework identified in paragraphs 3.18 to 3.22 of this proof, which are either wholly, or in part, relevant to Policy EN1, paragraph 170 of the Framework asks planning policies and decisions to contribute to the enhancement of the natural and local environment by, amongst other things *“recognising the intrinsic character and beauty of the countryside”*<sup>16</sup>.
- 3.29 Policy EN1 does not give rise to conflict with any specific part of the Framework, or the Framework taken as a whole. Policy EN1 is entirely consistent with the

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<sup>16</sup> National Planning Policy Framework (2019), Paragraph 170(b)

spatial strategy for growth contained within CS Policy 1, which in turn accords with Framework.

3.30 Finally Policy AD1(b) facilitates new small scale development (including housing development) within existing village settlement boundaries, subject to ensuring the design and scale is in keeping with the character and appearance of the area; there being no adverse impact on residential amenity (by reason of noise, disturbance or loss of privacy for example); the proposal not leading to an over-concentration of non-residential uses; and the proposal not leading to an over-intensification in the use of the site. A key consideration in existing villages, as in the main residential area of Preston covered by corresponding Policy AD1(a), being the protection of amenity of existing residents.

3.31 In addition to the parts of the Framework already referred to, paragraph 38 of the Framework requires LPAs to work proactively with applicants to secure development which improves the economic, social and environmental conditions of an area. Paragraph 127 of the Framework seeks to ensure that developments add to the overall quality of the area; are sympathetic to local character and the surrounding built environment; and optimise the potential of a site to accommodate an appropriate amount of development.



- 3.32 Whilst Policy AD1(b) does facilitate housing development within existing villages, it does restrict what is permissible by applying the aforementioned criteria alongside the requirement that development is small-scale. Scale in itself is a subjective matter necessitating a comparison between the scale of the development proposed relative to the scale of the built environment within the vicinity of the site. Broadly speaking it would follow that the larger the village, the larger the development that could be deemed acceptable in scale and character.
- 3.33 Policy AD1(b) does not give rise to conflict with any specific part of the Framework, or the Framework taken as a whole. Policy AD1(b) is entirely consistent with the spatial strategy for growth contained within CS Policy 1, which in turn accords with the Framework.
- 3.34 As set out in paragraph 3.20 of this proof, CS Policy 1 and Local Plan Policies EN1 and AD1(b) provide a spatial strategy for growth and a protective approach to the release of land for development in the open countryside based on a housing requirement in Preston of 507 net additional homes a year, or 8,112 net additional homes over the plan period. As such the boundaries of all the settlements and the housing allocations within Preston were planned for and fixed in the current Local Plan on the basis of this level of housing growth.

3.35 The current standard methodology local housing need figure for Preston is 250 net additional homes a year. This is less than half of the level of housing growth a year planned for in the Local Plan. Against the standard methodology local housing need figure the Council can, at October 2020, demonstrate a 13.6 year supply of deliverable housing land, as set out in paragraphs 2.41 to 2.44 of this proof.

3.36 It is, in my opinion, and entirely logical to therefore arrive at a conclusion whereby the spatial strategy for growth, along with accompanying protective policies in Local Plan and the associated boundaries of settlements are not constraining the release of land for housing development to a point which is preventing the Council from achieving its standard methodology local housing need. On the contrary, given the local housing need is much lower than the requirement in the Development Plan, the scale of the five year supply the Council can currently demonstrate indicates a far greater amount of housing can be delivered than simply the minimum number the Council must provide.

3.37 Whilst Policy EN1 accords with CS Policy 1, it is an independent policy which forms part of the Local Plan in Preston. Whilst the other Central Lancashire authorities have corresponding policies in their respective Local Plans, Policy EN1 applies only to proposals in the open countryside in Preston.

3.38 I note that in the Pear Tree Lane appeal, whilst the Inspector judged CS Policy 1 to be not out of date, he did determine that the relevant Chorley Local Plan policy in that case (Policy BNE3: Areas of Land Safeguarded for Future Development Needs) was out of date. Even if Policy BNE3 in the Chorley Local Plan were considered to be an equivalent to Policy EN1 (which it is not, as Policy BNE2: Development in the Area of Other Open Countryside would be), the Inspector clearly arrived at the conclusion Policy BNE3 was out of date in that appeal on the basis that the standard methodology local housing need figure in Chorley exceeded the housing requirement in the Development Plan. On the basis that Policy BNE3 safeguards land for future (not current) development needs the Inspector noted that *“the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply, against its standard method LHN within the current plan period to 2026”*<sup>17</sup>.

3.39 An Inspector concluding that an independently produced Development Plan policy, in a different Local Plan and different Local Planning Authority (LPA) does not bear materially, if at all, on the issue of whether or not Policy EN1 is out of date. That is before one considers the entirely different scenario with regards local housing need and five year supply in Chorley in comparison to Preston.

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<sup>17</sup> F1: APP/D2320/W/20/3247136, Land at Pear Tree Lane, Euxton, Chorley (Paragraph 49)

3.40 The housing land supply situation in Preston means quite simply that the current spatial strategy for growth can more than satisfy development needs. In my professional opinion, the only reasonable conclusion one can therefore arrive at is that neither CS Policy 1 nor Policies EN1 or AD1(b) of the Local Plan are out of date for the purposes of decision making in Preston and, given all three policies are consistent with the Framework, they attract significant weight in the decision making process.

3.41 A point which has previously been put to the Central Lancashire authorities, in particular by the appellants during the appeal at Chain House Lane<sup>18</sup> in South Ribble referred to in paragraph 2.25 of this proof, was that in using the standard methodology local housing need figure to monitor housing land supply the Council, and its Central Lancashire partners are agreeing to a 'radical' redistribution of housing growth within the strategic housing market area when compared to the housing requirement contained in CS Policy 4 and that as a result the Development Plan taken as a whole should be considered out of date. Whilst this appeal decision was subsequently quashed by the High Court, it remains a point of relevance to the determination of this appeal.

3.42 I accept that in using the standard methodology local housing need figure to monitor housing land supply in Preston, and across Central Lancashire, this would represent a material, or significant shift, from the current out-of-date CS

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<sup>18</sup> F2: APP/F2360/W/19/3234070, Land to the South of Chain House Lane, Whitestake, Preston

Policy 4 housing requirement. A summary of the proportional shift is shown in **Table 4**. Taking the CS Policy 4 housing requirement, a relatively even spread of housing growth was planned for, albeit with the greatest amount in Preston. Moving to the standard methodology local housing need figure shifts a significant proportion of growth away from Preston and South Ribble, toward Chorley.

**Table 4: CS Policy 4 Housing Requirement/Local Housing Need Comparison**

	<b>CS Policy 4 Requirement</b>	<b>% Distribution</b>	<b>Local Housing Need (April 2020)</b>	<b>% Distribution</b>	<b>Numerical Swing</b>
<b>Preston</b>	507	38%	250	25%	-257
<b>South Ribble</b>	417	31%	191	19%	-226
<b>Chorley</b>	417	31%	569	56%	+152
<b>Total</b>	<b>1,341</b>		<b>1,010</b>		<b>-331</b>

3.43 As I state, this is a point which I accept and not therefore one which I intend to rebut. It is however my firm view that, as a consequence, it is inconceivable to contend that this would render the Development Plan, taken as a whole, out of date, or the most important policies collectively for determining the appeal, especially when, as is the case here, the Council can demonstrate a 13.6 year supply of deliverable housing land. Certainly not in circumstances where *“the planning system should be genuinely plan led”*<sup>19</sup>. There are two clear and distinct reasons why this is the case.

<sup>19</sup> National Planning Policy Framework (2019), Paragraph 15

3.44 Firstly, in acknowledging that CS Policy 4 is out of date on the whole, it is the case that the Council does not have an up-to-date Development Plan housing requirement to work to, until such time as the Development Plan has been reviewed. In accordance with paragraph 73 of the Framework, the Council is taking an interim position of monitoring its housing land supply based on the standard methodology local housing need figure. At no point has the Council claimed the standard methodology local housing need figure to be its 'housing requirement', it is merely a minimum baseline level from which to work from, and a benchmark to monitor and assess housing land supply. A comparison between the CS Policy 4 housing requirement and the standard methodology local housing need is therefore, in many ways, irrelevant as it is not a comparison between two equivalent scenarios. Indeed, in the context of the Council's five year housing land supply position, at 13.6 years, the plan-led system which is set out in statute, and envisaged by national policy, would strongly indicate that any additional growth above and beyond the standard methodology local housing need should, where possible, be delivered in line with the spatial strategy and settlement hierarchy, whilst protecting areas of open countryside.

3.45 In Preston, that growth can clearly be accommodated in line with the current spatial strategy.

3.46 Secondly, even if a comparison between the two sets of figures is a legitimate exercise, the truth is that the aggregated growth across Central Lancashire using the standard methodology local housing need is below the aggregated CS Policy 4 housing requirement. The final column in **Table 4** shows the numerical swing from the CS Policy 4 housing requirement to the standard methodology local housing need. The cumulative difference being 331 less net additional homes across Central Lancashire. Thus the spatial strategy for growth across Central Lancashire contained within CS Policy 1, and thus the foundations for the Development Plan as a whole, remain relevant, up to date, and entirely capable of accommodating the minimum level of housing growth intended by the standard methodology local housing need figure.

3.47 A strategy, such as that in CS Policy 1, which seeks to provide for growth and investment in the main urban area of Preston, strategic sites and locations and key service centres which can, as evidenced, deliver a level of housing growth beyond that proposed by the standard methodology local housing need remains entirely sound. It therefore follows that where, as has been proved, that spatial strategy can more than accommodate the level of housing growth intended, policies of the Development Plan which seek to protect areas from development, such as Policy EN1 relating to the open countryside, also remain relevant, up to date and sound.

3.48 For the aforementioned reasons, I therefore do not ascribe to the belief that in using the standard methodology local housing need figure and not the CS Policy 4 housing requirement the Council's Development Plan as a whole or the most important policies for determining the application are rendered out of date. That approach is entirely at odds with national policy to the extent that the Framework would suggest it has no merit.

3.49 A further point which has been put to the Council, and indeed has been referenced by the appellants in their Statement of Case is the presence of the City Deal, and its associated target to boost housing, employment and infrastructure in the City Deal area. It is presumed that in referencing the presence of the City Deal the appellants are inferring that, in the interests of boosting housing delivery generally the Council ought not to be using its local housing need figure to monitor housing land supply as that would constrain the release of land for housing development. Ergo, this is a material consideration which attracts significant weight in the determination of this appeal which may render the most important policies for determining the appeal out of date.

3.50 Taking the analysis on housing delivery in paragraphs 2.45 – 2.47 of this proof further, I do not consider that argument to carry any merit. City Deal status was introduced by the Government as a way of harnessing the economic growth potential of key cities. The City Deal represents an agreement between the Government, Preston City Council, South Ribble Borough Council and



Lancashire County Council to invest in the expansion of infrastructure in the City Deal area to create jobs and generate significant housing growth. The City Deal was signed in September 2013 for an initial ten years.

3.51 Whilst City Deal is very much a partnership, with the emphasis on growth being distributed across both Preston and South Ribble, specifically for Preston the major infrastructure scheme to unlock growth potential is the Preston Western Distributor (PWD), a new road running adjacent to the western boundary of the main urban area of Preston which will be linked to the motorway network. The road is under construction.

3.52 Alongside the infrastructure investment through City Deal, there has been a radical uplift in housing delivery in Preston since the start of the City Deal monitoring period in 2014. Between 2014 and 2020 a total of 4,101 net additional dwellings have been delivered in Preston. In the equivalent six year period prior to the start of City Deal (2008 – 2014) a total of 1,209 net additional dwellings were delivered in Preston. Thus housing delivery since the start of City Deal is 239% higher than it was prior to it.

3.53 Whilst this level of housing growth may not be on course to achieve the initial ten year target (of 9,579) by 2023, it represents a significant upward surge in performance. In the context of the strong, and sustained, housing delivery

performance in Preston since the start of City Deal, along with the vast amounts of allocated land for housing growth in the Development Plan (which continue to be more than capable of delivering City Deal growth aspirations), it is my firm view that there would be no justification to deviate from plan-led housing growth. It is neither the intention nor purpose of City Deal to boost housing growth in an unplanned manner which is contrary to the Development Plan, especially in circumstances where the Council is delivering significant amounts of new housing, has a sufficient stock of planning permissions and land allocated for such purpose in the Development Plan.

3.54 Given the appeal proposal offers a policy compliant level of affordable housing, finally, I shall make reference to affordable housing and affordable housing need and the extent to which this material consideration may render the most important policies for determining the appeal out of date. Affordable housing need is clearly a material consideration in the determination of any proposal which provides a contribution to affordable housing. Understanding the precise extent of affordable housing need, in particular locations, is however not easy. It is certainly not a matter that can be given short shrift.

3.55 Whilst the Central Lancashire Housing Study<sup>20</sup> contains a section on affordable housing need across Central Lancashire, this wasn't the primary purpose of the commission and the affordable housing need data is based on secondary

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<sup>20</sup> A11: Central Lancashire Housing Study (March 2020)

sources of information and can therefore only be considered indicative. The Central Lancashire Housing Study is a piece of evidence base which has not been the subject of independent scrutiny and has not yet been used to inform the preparation of an affordable housing policy. For the purposes of forecasting a complex matter such as affordable housing need, the weight which can be attributed to it is negligible.

3.56 Furthermore, simply, it is the case that the relative affordability of an area in house price terms forms a crucial part of the Government's standard methodology calculation. The scale of the uplift provided to the baseline household growth projection is dictated by an affordability ratio based on earnings and house prices. In turn therefore, areas with greater affordability gaps are required to provide a higher minimum level of housing growth via the local housing needs assessment. A logical conclusion to therefore arrive at is, that in advance of the Development Plan review process, in using the local housing need figure the Council is factoring affordable housing need (in its broadest terms) into the monitoring of its housing land supply. It is my view therefore that with a 13.6 year supply of deliverable housing land, in advance of the Development Plan review, the level of housing being provided in Preston overwhelmingly caters for both housing and affordable housing need. As such, in my professional opinion, a line of argument which seeks to justify housing development contrary to the Development Plan based, in part, on an affordable housing need case, carries no merit, and certainly does not succeed in rendering the most important policies for determining the appeal out of date.

3.57 As such, to conclude this section of my proof, the most important policies for determining this appeal are CS Policy 1, CS Policy 4, Policy EN1 and Policy AD1(b). For the reasons I have provided in this, and the preceding section, of my proof, it is stated that CS Policy 4 is out of date on the whole, and should not, insofar as establishing the housing requirement for Preston, attract any weight in the determination of this appeal. CS Policy 1, Policy EN1 and Policy AD1(b) however are not out of date; do not give rise to any conflict with the Framework; and, even in circumstances where one considers a comparison between the housing requirement of CS Policy 4 and the standard methodology local housing need, for the aforementioned reasons, the policies remain valid and sound. CS Policy 1, Policy EN1 and Policy AD1(b) therefore attract significant weight in the determination of this appeal.

#### **4. WHETHER THE “TILTED BALANCE” IS ENGAGED**

4.1 I now consider, based on the evidence I have provided, whether it is appropriate or not to engage the “tilted balance” in the determination of this appeal.

4.2 As set out in this proof, against the current local housing need figure of 250 net additional dwellings per year, at 1<sup>st</sup> October 2020 the Council can demonstrate a 13.6 year supply of deliverable housing land. For reasons which relate to housing land supply, the “tilted balance” is therefore clearly not engaged.

4.3 As for the route into the application of the tilted planning balance which does not relate to the adequacy of supply, following the approach set down by Mr Justice Dove in the High Court judgement in Wavendon Properties Limited and the Secretary of State for Housing Communities and Local Government and Milton Keynes Council<sup>21</sup>, the process for determining whether to engage the “tilted balance” is comprised of three distinct steps.

4.4 Firstly one must establish which the policies most important for determining the application are. Secondly each of those policies must be examined in relation to the question of whether or not they are out of date, by reference to the

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<sup>21</sup> G3: [2019] EWHC 1524 (Admin)

Framework. Thirdly, and finally, an overall judgement must be formed as to whether or not, taken as a whole (often referred to as the “basket” of most important policies), these policies are to be regarded as out of date for the purpose of the decision.

4.5 As has been set out earlier in this proof, and as agreed by all parties to the appeal, the “basket” of most important policies for the determination of this appeal is comprised of four Development Plan policies, namely; CS Policy 1, CS Policy 4 and Policies EN1 and AD1(b) of the Local Plan.

4.6 From that “basket” of most important policies, my evidence has set out the Council’s position that whilst CS Policy 4 should be considered as out of date, certainly for the purposes of establishing the Council’s housing requirement, CS Policy 1 and Policies EN1 and AD1(b) of the Local Plan are not out of date. The policies are not out of date for two main reasons. Firstly, the standard methodology local housing need figure for Preston (and when aggregated across Central Lancashire) is below the CS Policy 4 housing requirement meaning that the spatial strategy for growth and protection of open countryside in Preston is not artificially constraining the release of land for housing development. Secondly, none of the policies give rise to a conflict with a specific part of the Framework, or the Framework when taken as a whole.

- 4.7 Considering the “basket” as a whole, only one of the four most important Development Plan policies for determining the appeal is out of date, and the policies which are not out of date go to the heart of the principle of the development proposed by the appeal. Accordingly, it is my firm opinion that the “tilted balance” is not engaged for the purposes of determining this appeal.
- 4.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the development plan is the starting point in that determination, and that determination must be in accordance with the development plan unless material considerations indicate otherwise.
- 4.9 I have explored in detail the status of CS Policy 1, Policy EN1 and Policy AD1(b) within this proof. The Council can demonstrate a 13.6 year supply of deliverable housing land and therefore in applying the standard Planning Balance for the determination of this appeal those policies ought to attract significant weight in a plan-led planning system.
- 4.10 If, which is strongly denied, the “tilted balance” applies for reasons not connected to five year supply, it is considered that CS Policy 1, Policy EN1 and Policy AD1(b) would continue to attract significant weight in the application of

the “tilted balance”. Indeed it is my view that, in the presence of a 13.6 year supply of deliverable housing land, and in the knowledge that in using the standard methodology local housing need figure the level of housing growth in Preston, and aggregated across Central Lancashire, is lower than that contained within the out of date CS Policy 4, the weight to be attributed to CS Policy 1, Policy EN1 and Policy AD1(b) is no different in a “tilted balance” scenario to a standard Planning Balance scenario.

- 4.11 A clear distinction must be drawn between the application of the “tilted balance” and the weight to be attributed to the most important Development Plan policies in a scenario where an LPA cannot demonstrate a five year supply of deliverable housing land compared to circumstances where the “tilted balance” is engaged for reasons not connected to housing land supply. In the absence of a five year supply of deliverable housing land the overriding consideration is to boost significantly the supply of housing, in line with Government objectives. If the “tilted balance” is engaged for reasons not connected to housing land supply, and a 13.6 year supply of deliverable housing land exists using the Government’s own mechanism for boosting significantly the supply of housing (the standard methodology), as would be the case here, the most important Development Plan policies which are not out of date, and are in conformity with the Framework, must attract significant weight.



4.12 Paragraph 8 of the Framework is clear, in that the need to promote sustainable development involves bringing forward the right type of development in the right place, with accessible services whilst protecting and enhancing the natural environment and making effective use of land. Approving a development which is at odds with an up-to-date spatial strategy for growth, whilst the Council can demonstrate a 13.6 year supply of deliverable housing land would fail to meet the overarching objectives of sustainable development enshrined in national policy, in a scenario where the “tilted balance” is engaged.

## 5. CONCLUSION

5.1 In conclusion, and drawing the various strands of this proof together, my position is as follows:

- CS Policy 4 is out of date, specifically in relation to the housing requirement it contains for Preston.
- CS Policy 4 has been subject to a 'review' for the purposes of paragraph 73 and footnote 37 of the Framework in 2017.
- However, a significant change in circumstances has occurred in 2018 and 2019 with the introduction and refinement of the standard methodology, which further compound the fate of the housing requirement contained in CS Policy 4 as carrying no weight in the decision making process.
- The Council therefore monitors its housing land supply against the standard methodology local housing need figure, against this figure the Council can, at October 2020, demonstrate a 13.6 year supply of deliverable housing land.
- Aside from CS Policy 4, the most important Development Plan policies for determining the appeal are not out of date, the "tilted balance" is not engaged for reasons not connected to five year supply, and they attract significant weight in the determination of this appeal.

- If the “tilted balance” were to be engaged for reasons not connected to five year supply, the most important Development Plan policies for determining the appeal which are not out of date, would still attract significant weight in the application of the “tilted balance”.

5.2 As set out in the introductory section, the purpose of this proof has been to establish the correct housing ‘requirement’ for Preston and the associated five year housing land supply position, the status of the most important policies for determining the appeal, and finally whether the “tilted balance” is engaged or not and what weight the most important policies would attract in each scenario.

5.3 The actual application of the most important policies for determining the application, in both a standard Planning Balance and “tilted balance” scenario, is made in the Proof of Evidence prepared by Robert Major.