

PRESTON CITY COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990

SUMMARY OF PLANNING BALANCE PROOF OF EVIDENCE

OF

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**PRINCIPAL PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

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

1. INTRODUCTION

- 1.1 I am Robert Major and I am employed as a Principal Planning Officer in Development Management at Preston City Council. I have close to 13 years' experience of Development Management work and I am a Chartered Member of the Royal Town Planning Institute (MRTPI).
- 1.2 The Proof of Evidence I have prepared is concerned with the planning balance, and this document is a summary of that evidence.

2. BACKGROUND

- 2.1 The appeal is lodged by Wainhomes (North West) Limited against the Council's decision to refuse outline planning permission (06/2019/0752) for the erection of up to 151no. dwellings and a community building, with associated works and access off Garstang Road (A6), Barton. All matters were reserved except for means of access. The planning application was refused for the following reason:

With the exception of the proposed vehicular access, the application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy

1 of the Central Lancashire Core Strategy and consequently it would lead to the unplanned expansion of a rural village. The proposed development for 151 dwellings and a community building is not considered to be 'small scale' and as such the proposal is also contrary to PLP Policy AD1(b) of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Furthermore the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policies EN1 and AD1(b) of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).

3. THE DEVELOPMENT PLAN

3.1 In relation to the matters covered within my evidence, the relevant development plan policies for the determination of this appeal are:

- **Central Lancashire Core Strategy (CS) Policy 1** – Locating growth
- **Central Lancashire Core Strategy Policy 2** – Housing delivery
- **Preston Local Plan (PLP) Policy AD1(b)** – Small scale development within existing villages (including the development of brownfield sites)
- **Preston Local Plan Policy EN1** – Development in the open countryside

4. THE PLANNING CASE

4.1 My evidence demonstrates that the principle of the proposed development of this site for up to 151no. dwellings, and a community building, would be contrary to Policy 1 of the Adopted Central Lancashire Core Strategy and Policies EN1 and AD1(b) of the Adopted Core Strategy, and this has been agreed by the appellant within the submitted Statement of Common Ground.

5. THE “NORMAL” PLANNING BALANCE

5.1 Whilst my evidence has established that the proposal is contrary to Policy 1 of the Adopted Central Lancashire Core Strategy, and Policies EN1 and AD1(b) of the Adopted Core Strategy, the proposal must still be assessed in respect of the statutory s.38(6) (“Normal”) planning balance.

5.2 My evidence goes through each of the “proposed” benefits of this appeal proposal and attaches a level of weight to each of those benefits, based on my own assessment and also using examples from various relevant appeal decisions. For the reasons detailed in my evidence, it is considered that a number of the proposed benefits are either neutral or limited in weight, required to mitigate the impacts of the proposed development, required to meet specific policy requirements, or generic to any major development scheme that would be compliant with the adopted Development Plan.

5.3 As such my evidence concludes that the overall benefits of this proposal do not outweigh the identified conflict with the adopted Development Plan, specifically Central Lancashire Core Strategy Policy 1 and Preston Local Plan Policies EN1 and AD1(b). There are no material considerations which justify a departure from the Development Plan and therefore in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal should be dismissed.

6 THE TILTED PLANNING BALANCE

6.1 Christopher Blackburn's Proof of Evidence clearly sets out the Council's position in relation to its use of the standard methodology local housing figure to monitor its housing land supply position. Against this figure the Council can demonstrate a 13.6 year supply of deliverable housing and therefore it is the Council's position that the "tilted" balance within Paragraph 11 of the Framework is not engaged for reasons relating to housing land supply.

6.2 With regard to the most important policies for determining this application, it has been accepted by both parties that these are Core Strategy Policies 1 and 4, and Local Plan Policies EN1 and AD1(b). The Council acknowledge that CS Policy 4 is out of date, specifically in relation to the housing requirement it contains for Preston. However this does not mean that the "tilted" balance is engaged as Core Strategy Policy 1 and Local Plan Policies EN1 and AD(b) are not out of date. As such the Council consider that the "basket" of most important policies in the determination of this appeal is not out of date and the "tilted" balance is not engaged.

6.3 The appellant considers that the “titled” balance should be engaged and therefore my evidence sets out the Council’s position if the “tilted” balance was engaged due to:

i) Reasons of undersupply of Housing Land Provision, and

ii) Reasons other than the lack of a deliverable five year supply.

6.4 My evidence establishes that if it is considered that Core Strategy Policies 1 and 4, and Local Plan Policy EN1 and Ad1(b), are collectively out of date and therefore the ‘tilted’ balance is engaged for that reason, as the Council can demonstrate a 13.6 year supply of housing (as of 1st October 2020) the contribution that the proposed development would make towards housing supply would not be significant and would attract limited weight. The adverse impacts of granting planning permission contrary to the development plan, would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole. Therefore if it is determined that the most important policies for determining this application are out of date, the limited benefits of the proposal identified within the “Normal Planning Balance” section my evidence would be significantly and demonstrably outweighed by the clear harm and conflict with the development plan and the Framework taken as a whole. Consequently if the “tilted” balance was engaged for this reason, the Council duly considers that the appeal should be dismissed.

7. CONCLUSIONS

- 7.1 The Council can demonstrate a 13.6 years supply of deliverable housing against the standard methodology local housing need figure and the “basket” of most important policies in the determination of this appeal is not out of date. As such the “tilted” balance is not engaged.
- 7.2 Applying s.38(6) Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan as a whole is up to date, save for Core Strategy Policy 4, and consistent with the NPPF.
- 7.3 The proposal is contrary to CS Policy 1 and PLP Policies EN1 and AD1(b), which is acknowledged by the appellant, and Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not be granted.
- 7.4 It is acknowledged that there are some benefits that would accrue from the proposal. However these benefits do not outweigh the identified harm and clear conflict with Development Plan. There are no material considerations which indicate that a departure from the up to date Development Plan should be taken and in such circumstances the policies of the Development Plan should prevail in accordance with the plan-led system.

7.5 If the “tilted” balance within Paragraph 11 of the Framework were to be engaged because the most important policies for determining the appeal are considered to be out of date, as the Council can demonstrate a 13.6 year supply of deliverable housing land the identified benefits arising from the proposed development would be significantly and demonstrably outweighed by the identified harm.

7.6 In view of my evidence, and that provided by Christopher Blackburn, it is respectfully requested that the appeal is dismissed.