

# PRESTON CITY COUNCIL



**TOWN AND COUNTRY PLANNING ACT 1990**

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

1.1.1 Housing land supply and matters already agreed, as well as the relevant housing requirement to calculate five year housing land supply with reference to National Planning Practice Guidance (PPG) and the implications of the Chain House Lane decision<sup>1</sup> and judgement<sup>2</sup>.

1.1.2 The role of CS Policy MP and Local Plan Policy V1 in the determination of the appeal and the weight to be attributed to the same.

1.1.3 The relevance of City Deal and the Council's role in housing delivery.

1.1.4 Affordable housing supply and delivery and clarification of my observations in relation to the affordable housing need calculation in the Central Lancashire Housing Study<sup>3</sup>.

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

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<sup>1</sup> F2: APP/F2360/W/19/3234070, Land to the South of Chain House Lane, Whitestake, Preston

<sup>2</sup> G1: [2020] EWHC 2294 (Admin)

<sup>3</sup> A11: Central Lancashire Housing Study (March 2020)

## 2 HOUSING LAND SUPPLY AND CS POLICY 4

2.1 In order to illustrate my rebuttal with regards the Council's position in relation to the CS Policy 4 housing requirement and the operation of the "tilted balance" I draw the Inspector's attention mainly to Sections 5 to 11 inclusive of the proof of evidence of Mr Pycroft. This section of Mr Pycroft's evidence provides an assessment of the Council's housing land supply, and breaks the process down into six clear stages.

2.2 It is notable that this section of Mr Pycroft's proof seems to cover matters which are already agreed, and in spite of that Mr Pycroft does make a comment which seems to partly contradict what has been agreed between the parties. At paragraph 11.9 of Mr Pycroft's evidence he states, in relation to the Council's decision to make an allowance for a reduction in delivery rates from the forward looking deliverable housing supply as a result of the Covid-19 pandemic, that '*I therefore agree that **at least** a 5% reduction should be applied to the Council's supply*' (my emphasis).

2.3 At paragraph 2.10 of the Statement of Common Ground in relation to Housing Land Supply<sup>4</sup>, this is a matter agreed: '*For the purposes of this appeal, the Appellant agrees that the deliverable supply is 3,581 dwellings*'. The deliverable

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<sup>4</sup> B4: Statement of Common Ground (Housing Supply) between Preston City Council & Wainhomes (North West) Ltd (January 2021)

supply of 3,581 dwellings is taken from the Council's published October 2020 Housing Land Position Statement<sup>5</sup>, where it is clear that the overall deliverable five year supply of 3,769 has been deducted by 5% to allow for a reduction in delivery related to the pandemic. Hence, Mr Pycroft has already agreed that a 5% deduction is entirely appropriate and justified. I would argue that it is unreasonable for Mr Pycroft to now claim that the 5% deduction is only acceptable as a minimum; that does not form part of the agreement between the parties.

2.4 With reference to Mr Pycroft's observations on the correct figure to use in calculating the Council's housing land supply position, I refer the Inspector to Section 7 of Mr Pycroft's proof, and in particular Paragraphs 7.1 to 7.5. Here Mr Pycroft provides an assessment of Paragraph 73 (and Footnote 37) of the Framework and at Paragraph 7.4 quotes the content of Paragraph 68-005 of PPG<sup>6</sup>, with particular reference to the guidance in relation to calculating five year supply against adopted strategic housing requirements where they have been reviewed within the last five years and found not to need updating.

2.5 To conclude his point Mr Pycroft states at Paragraph 7.5 of his proof that as a consequence of the content of PPG in this regard *'it is clear that the five year supply should be measured against the housing requirement set out in strategic policies when those policies are less than five years old and when they are*

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<sup>5</sup> A8: Preston City Council Housing Land Position at 1<sup>st</sup> October 2020

<sup>6</sup> National Planning Practice Guidance, Paragraph 068 (Reference ID: 68-005-20190722)

*more than five years old if those policies have been reviewed and found not to require updating within the last five years'.*

2.6 I have fundamental concerns with this rationale, the sheer simplicity in the approach of Mr Pycroft in this regard, and his reliance on PPG content to validate the point he is making. There appears here to be a willful blindness by Mr Pycroft to the events which have occurred since MOU1 was agreed by the Central Lancashire authorities in October 2017. These events are set out in Paragraphs 2.24 to 2.37 of my main proof. Whilst my main proof does not seek to set out everything that has happened to influence the Council's current position, it is clear that the situation is not as simplistic as Mr Pycroft suggests.

2.7 However, the key issue with the evidence of Mr Pycroft that I would like to draw attention to in this analysis is his heavy reliance on PPG to both furnish and justify his position. In my view the content of PPG should be treated with significant caution when assessing the interpretation of planning policy. PPG is not consulted upon, is not subject to external scrutiny and can be amended without forewarning. There are no checks and balances in place to attend to tensions between various parts of PPG or check for consistency, PPG cannot cover all eventualities or combination of circumstances that might be relevant to any case in particular. It is therefore my view that the weight Mr Pycroft attaches to the content of PPG is not proportionate to the role and function of PPG in the decision-making process.

2.8 I now turn my attention to the proof of evidence of Mr Harris and his observations relating to the CS Policy 4 housing requirement and the justification for its continued use in calculating the Council's housing land supply position.

2.9 In Section 2 of Mr Harris' proof under the heading 'The Determination' he provides his assessment of the chronology of determination of the planning application. I focus specifically on his comments at Paragraphs 2.11 to 2.13 (noting the paragraph numbering issue from what would be Paragraph 2.12 onwards). Here Mr Harris sets out the basic details of the Chain House Lane appeal decision, and at Paragraph 2.12 he states that **'the only reason for the Council's changed position in February 2020 was the findings of the Inspector for the Chain House Lane appeal'** (my emphasis).

2.10 Further at Paragraph 2.13 Mr Harris refers to the High Court Judgement in relation to that appeal decision, with Mr Justice Dove having quashed the appeal decision in August 2020. Again Mr Harris repeats that *'the Chain House Lane decision was the only reason for the LPA to change its position'* and that following the quashing of the decision **'the only reasonable and consistent approach is for the LPA to revert to its original position as of October 2019 to grant planning permission'** (my emphasis).

2.11 Notwithstanding the fact that the principle of appeal decisions constituting material considerations in the determination of planning applications is

accepted as best practice in ensuring decision-makers are acting on the most up to date information at any given time, Mr Harris is being very misleading in his evidence. Most specifically in his assertion that the Chain House Lane decision was the sole reason the Council reflected on its housing land supply position. Quite rightly it was seen by the Council as a significant turning point necessitating a return of outstanding matters to Planning Committee, but it must be seen in the context of all the events which took place since first publication of the revised Framework in July 2018. I refer to these events at Paragraph 2.6 of this rebuttal, and in my main proof.

2.12 It is my view that following a significant change to national policy a period of time ensues whereby there is a lack of clarity and consistency in the interpretation of that change. The Chain House Lane Inspector was not the first Inspector to express a view on the CS Policy 4 review point, the Inspector appointed to preside over an appeal at Brindle Road, Bamber Bridge<sup>7</sup> in August 2018 declined to accept that MOU1 was a review of the CS Policy 4 housing requirement.

2.13 The truth is that the Council made a decision to err on the side of caution in measuring its housing land supply against the CS Policy 4 requirement in the absence of a clear direction being provided either legally or by an Inspector

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<sup>7</sup> Appendix A: APP/F2360/W/18/3198822, Land off Brindle Road, Bamber Bridge, Preston



appointed by the Secretary of State. That is not to say that at the same time the Council wasn't keeping the matter under constant review.

2.14 The fact the Chain House Lane Inspector was the first Inspector to make a clear statement regarding CS Policy 4 and MOU1 was, as I have stated, a significant turning point which the Council could not ignore, but it was not the sole reason the Council revisited its housing land supply calculation.

2.15 Whilst I accept that the quashing of the Chain House Lane decision means that it no longer exists, Mr Harris' claim that the '*only reasonable and consistent approach*' would be to rewind back to October 2019 is, quite frankly, ludicrous. Even if one were to now disregard the Chain House Lane decision completely, what Mr Harris appears to be endorsing here is a situation whereby one ignores anything and everything that has occurred in the intervening period. I simply cannot accept that this, in any way, constitutes best practice in planning decision-making. Indeed I would suggest the opposite to Mr Harris, I would suggest that would be unreasonable and inconsistent.

2.16 In my view however it is simply not the case that the Chain House Lane decision can be ignored. As I have said, whilst I accept it no longer exists, the truth is that the decision was quashed on very narrow grounds and Mr Justice Dove has clearly concluded that the Inspector failed to take a point put to her and failed to adequately explain her reasons for arriving at the conclusions she arrived at. With respect, that is not the same as saying her conclusions were

wrong. Presently therefore there remains no clear indication that the Council should not be using the local housing need to monitor its housing land supply position, rather the inference from relevant decisions made is that the Council should be using it.

### 3 CS POLICY MP AND LOCAL PLAN POLICY V1

3.1 The proof of evidence of Mr Harris makes reference to CS Policy MP and Policy V1 of the Local Plan. It is notable that neither policy is referenced by the appellants in their original planning application submission or Statement of Case, I would therefore suggest that it is unreasonable to have brought it to the attention of the Inspector so late in the appeal process. Nevertheless I shall assess the merits of the points made by Mr Harris in turn.

3.2 To assist the Inspector, CS Policy MP states:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant with policies in the neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant*

*permission unless material considerations indicate otherwise-taking into account whether:*

*a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

*b) specific policies in that Framework indicate that development should be restricted.”*

3.3 The purpose of CS Policy MP is stated at Paragraph 2.2 of the Core Strategy to be a clarification of the *‘operational relationship between the plan and national policy’*. National policy at that time being in the form of the 2012 version of the Framework.

3.4 I consider it imperative that CS Policy MP is read in conjunction with the equivalent Local Plan policy, Policy V1. Policy V1, adopted three years later than CS Policy MP states:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and where relevant, policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no statutory development plan policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:*

*a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and those contained in the Core Strategy; or*

*b) specific policies in the Framework and Core Strategy indicate that development should be restricted.”*

3.5 Both CS Policy MP and Policy V1 of the Local Plan are constructed around the presumption in favour of sustainable development (the “tilted balance”) as set out in the 2012 version of the Framework. The Framework has, as a matter of course, been subject to an update, most recently in February 2019. The specific content and wording of the “tilted balance” has changed, and I will discuss in due course the implications of this, in my opinion, in terms of the consistency of these policies with the Framework and consequently the weight which they attract. It is common ground between the Council and the appellant that neither

CS Policy MP nor Policy V1 are amongst the most important policies for determining the appeal.

3.6 To begin with, I note that the proof of Mr Harris makes detailed reference to CS Policy MP but makes only a passing reference to Policy V1 of the Local Plan. Paragraph 4.9 of Mr Harris's proof quotes CS Policy MP and emphasises the particular section which refers to, the then, Paragraph 14 of the 2012 Framework which states that where relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise.

3.7 Paragraph 4.10 of Mr Harris' proof states that at *'no stage has the LPA suggested that Policy MP is not up to date and my interpretation of Policy MP is that if **a relevant policy** is out of date i.e. Policy 4, then that part of Policy MP is engaged which is the tilted balance'*. With respect, whilst the Council has not suggested that CS Policy MP is either not up to date or consistent with the Framework, that is because the Council hasn't commented on the matter at all. As a matter of fact, until now, neither has the appellant. I find it quite staggering that Mr Harris finds it acceptable to criticise the Council for not passing judgement on a policy that he has only made reference to for the first time in his proof of evidence.

3.8 Notably, the matter of CS Policy MP and Policy V1 was addressed in an appeal in Preston, the decision of which was published in April 2018. The appeal was

a conjoined appeal involving two sites south of the village of Broughton, namely Keyfold Farm and Sandygate Lane<sup>8</sup>. The appeals were allowed.

3.9 Broadly speaking, the position of one of the appellants to that appeal was that, on the basis that CS Policy MP enshrined the “tilted balance” within the Development Plan, in the absence of a five year supply of deliverable housing land, the determination process defaults entirely to the provisions of the Framework and the Development Plan as a whole is effectively obsolete.

3.10 The Inspector gave this matter considerable attention in his decision letter, and, whilst reducing the weight he attached to Policy V1 due to *‘small but potentially significant inconsistencies’* between the policy and the Framework at that time, he nevertheless drew attention to Policy V1 in his assessment of the Development Plan taken as a whole. In doing so, at Paragraphs 28 and 29 of the decision letter he highlights the distinct differences in the more recently adopted policy, namely:

- That in reference to absent and out of date policies, Policy V1 clarifies that this is a reference to policies in the statutory Development Plan.
- That in determining whether to grant planning permission or otherwise, the adverse impacts would be weighed against the Framework taken as a whole **and** the policies of the Core Strategy, including an assessment

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<sup>8</sup> F3: APP/N2345/W/17/3179105, Land off Sandy Gate Lane, Broughton, Preston  
F4: APP/N2345/W/17/3179177, Keyfold Farm, 430 Garstang Road, Broughton

as to whether a specific part of the Framework **and** the Core Strategy indicate development should be restricted.

3.11 The Inspector, rightly in my opinion, determined that it was not the intention of Policy V1 to default all decisions to the Framework in circumstances where the “tilted balance” is engaged; other policies of the Development Plan ought to be factored in to an overall decision. Indeed this matter was addressed in the Supreme Court Judgement in Suffolk Coastal District Council -v- Hopkins Homes Ltd and Richborough Estates Partnership LLP -v- Cheshire East Borough Council<sup>9</sup> addressing Court of Appeal decisions on the interpretation of the application of the “tilted balance”. Here Lord Carnwath, at Paragraph 14 of the judgement makes clear that the “tilted balance” ‘is to be read as including related Development Plan policies as it is *‘clearly not intended to, detract from the priority given by statute to the development plan’*. Further at Paragraph 85 of the judgement Lord Gill remarks that in displacement of the “tilted balance” one must assess the adverse impacts of granting planning permission against the policies in the Framework taken as a whole, and that this does not mean only policies which originate in the Framework but *‘also the development plan policies to which the Framework refers’*.

3.12 The concluding remarks of the Inspector in the Keyfold Farm and Sandygate Lane appeals in relation to CS Policy MP are decisive and determinative to my mind, and I don’t intend to extrapolate any further. Indeed, in my view, the

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<sup>9</sup> Appendix B: [2017] UKSC 37



concluding remarks of the Inspector in this case are so decisive that I find it difficult to understand why Mr Harris has made reference to the policy in his evidence, necessitating this part of the rebuttal. The emphases below are mine.

“31. That said, I am not persuaded, all things considered, that Mr Fraser’s submissions lead anywhere **beyond a need for the above analysis of development plan policy**, bearing in mind that, whilst the effect of paragraph 49 of the Framework concerning housing land is clear in its effect, **the Framework is also emphatic as to the importance of the system being plan-led** and it is well established law that engagement of the presumption in favour of sustainable development **does not render policies in the development plan irrelevant**, but rather affects the weight which the decision maker should consider according to them. Indeed, **if Policy MP is intended to have the effect claimed by Mr Fraser it would itself be wholly inconsistent with the Framework to the extent that the latter supports the plan-led system.**

32. The correct approach in circumstances where paragraph 14 of the Framework is potentially engaged, as here, **is not therefore to entirely disregard the policies of the development plan**, as Mr Fraser advocates, but rather, in the exercise of planning judgement, to **consider the weight to be accorded to potentially determinative policies**, alongside other material considerations, within the balance set by paragraph 14. That is the approach I therefore follow in the determination of both appeals A and B.”

3.13 I turn now to the point of consistency between CS Policy MP and Policy V1 with the 2019 Framework. It would appear to me that Mr Harris relies heavily on the reference to ‘relevant’ policies set out in CS Policy MP and the 2012 Framework. First and foremost, it is my view that Mr Harris’ interpretation of CS Policy MP is misplaced. Mr Harris seems to suggest that the implication of the policy wording engages the “tilted balance” if only one relevant policy for determining the appeal is out of date, in this case CS Policy 4. Whilst this is theoretically possible, I believe if that was the true intention of CS Policy MP the policy would say ‘*Where there are no policies relevant to the application or **a relevant policy is out of date** ...*’. The truth is that in this respect CS Policy MP is written in plural, and whilst this embraces the singular, it does presume that more than one relevant policy would be out of date to engage the “tilted balance” and the full rigours of the presumption in favour of sustainable development. The policy certainly does not explicitly state that the “tilted balance” will be engaged when a single policy is out of date, as suggested by Mr Harris.

3.14 It is notable that this precise point was addressed 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>10</sup> referred to in my main proof. In addressing the arguments put before him, Mr Justice Dove discusses the interpretation of the Framework and the application of the “tilted balance” when one, or any of the most important

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<sup>10</sup> G3: [2019] EWHC 1524 (Admin)

policies for determining an application has been found to be out of date. Mr Justice Dove clearly concludes at Paragraph 58 of the judgement that the right and proper assessment is to establish which are the policies most important for determining the application, examine each one of them in relation to whether they are out of date or not and finally formulate an overall judgement as to whether the most important policies taken as a whole are out of date thereby engaging the “tilted balance”. Mr Justice Dove makes clear that this approach is consistent with Framework’s emphasis *‘that the decision-taking process should be plan-led’*. Contrary to Mr Harris’ assertion, this process is not, according to Mr Justice Dove *‘a rule nor tick box instruction’*, rather it is an *‘exercise of planning judgement’*.

3.15 In any event, it is my view that in assessing consistency between CS Policy MP and Policy V1 of the Local Plan with specific parts of the Framework, and the Framework taken as a whole, there are direct conflicts which render both policies out of date and result in neither policy attracting material weight in the determination of this appeal. Whilst there are a number of changes to the “tilted balance” when one compares Paragraph 14 of the 2012 Framework with Paragraph 11 of the 2019 Framework the most fundamental is the change in reference to policies of the Development Plan.

3.16 Paragraph 14 of the 2012 Framework stated that the “tilted balance” would be engaged *‘where the development plan is absent, silent or relevant policies are out-of-date’*. The equivalent section of current Paragraph 11 reads that the

“tilted balance” is engaged *‘where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date’*. As stated, in my view Mr Harris relies on the language of the 2012 Framework to support his point regarding CS Policy MP and the engagement of the “tilted balance”. The language of the 2019 Framework is quite deliberately, and materially, different.

3.17 The change in reference from ‘relevant’ policies to the ‘most important’ policies is stark. A vast array of Development Plan policies could be deemed as ‘relevant’ to the determination of a planning application, this cannot be said for the ‘most important’ policies. In the case of this appeal for example, Paragraph 4.2 of the Statement of Common Ground<sup>11</sup> lists all the Development Plan policies which are ‘relevant’, there are a total of 23 such policies (it is worthy of note that this agreed list does not include either CS Policy MP or Policy V1). Paragraph 5.2 of the same document lists the policies which are ‘most important’, there are 4 such policies. This example illustrates the impact of the changes to the “tilted balance” since the 2012 Framework, and underlines the importance of this change. Applying Mr Harris’ apparent interpretation of the 2012 version (and therefore that contained within CS Policy MP and Policy V1 again, as interpreted by Mr Harris) to this appeal would mean that the “tilted balance” could potentially be engaged where any one of the policies from the list of 23 ‘relevant’ policies is out of date. Conversely, applying the 2019 version results in the “tilted balance” being engaged where there are either no relevant

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<sup>11</sup> B3: Statement of Common Ground (December 2020)

policies (clearly not the case here) or the ‘most important’ policies are out of date.

3.18 Following Mr Harris’ line of argument, the changes to the Framework since CS Policy MP was adopted could create an absurd scenario whereby, hypothetically speaking, a solitary relevant out of date policy which is not one of the most important policies for determining an application, would engage the “tilted balance” as per CS Policy MP, an approach which is entirely contrary to paragraph 11(d) of the Framework and the assessment provided by Mr Justice Dove in the Wavendon Properties Ltd judgement previously referenced.

3.19 As such, it is my firm view that CS Policy MP and Policy V1 are in direct conflict with the Framework and are therefore out of date and carry no material weight in the determination of this appeal.

#### **4 PRESTON, SOUTH RIBBLE AND LANCASHIRE CITY DEAL**

- 4.1 Turning to Section 12 of Mr Pycroft's proof, I wish to make rebuttal comments in relation to the role of the Council in achieving the City Deal growth aspirations across Preston and South Ribble. I refer the Inspector to Paragraphs 3.49 to 3.53 of my main proof.
- 4.2 The comments I wish to make relate to the reliance Mr Pycroft places in his proof on past and future housing delivery performance. To begin with, whilst not wishing to repeat comments from my main proof, the Council's track record on housing delivery in recent years is clear to see by referencing the Housing Delivery Test (HDT) scores, the most recent of which (2020) has been published as part of a data release since submission of my main proof. The Council's current HDT score is 339%, placing the Council in joint 8<sup>th</sup> position when compared to all Council's in the country.
- 4.3 In spite of this delivery performance I am afraid that in my view Mr Pycroft has failed to acknowledge the actual role of the Council in housing delivery. The reality is that delivery is a matter which is largely outside of the Council's control. The influence the Council has on delivery is mainly through the grant of planning permission. In this regard it is the case that since City Deal began the Council has approved close to 11,000 new dwellings within Preston, almost 5,000 of which have been approved between April 2018 and October 2020.

4.4 It is therefore abundantly apparent that the Council has, in planning permission terms, granted consent for more houses than it needs to in order to achieve City Deal levels of growth. The Council is more than 'doing its bit'.

4.5 Respectfully therefore I must disagree with the assertions of Mr Pycroft at Paragraph 12.8 of his proof. The spatial hierarchy for growth in Preston can more than meet the Council's City Deal commitments, as such the Council's decision to assess its housing land supply position against the local housing need figure is not, in any way, constraining the ability of the Council to facilitate growth at City Deal levels, it is merely assisting in implementing a plan-led approach to that growth.

## 5 AFFORDABLE HOUSING DELIVERY AND SUPPLY

- 5.1 With reference to the comments I have made in my main proof (at Paragraph's 3.54 to 3.56 inclusive) this section of my rebuttal deals with the assertions and facts set out in Section's 7 and 13 of Mr Pycroft's proof of evidence. I summarise these in the following three paragraphs.
- 5.2 At Paragraph 7.44 of Mr Pycroft's proof he references the Central Lancashire Housing Study<sup>12</sup> and its conclusions on affordable rent need being the same as the Council's local housing need figure, and the fact that the study does not make a recommendation on the scale of a housing requirement figure that would ensure this need is met. At Paragraph 13.4 Mr Pycroft states that *'the difference between affordable housing need and the projected annual average household growth is 19 dwellings'* and that the Council *'considers this to be its affordable housing need'*.
- 5.3 At Paragraph 13.7, following a brief assessment of the affordable housing need content of the Central Lancashire Housing Study, Mr Pycroft states that it is *'surprising that the Council considers that there is no accurate or up to date information on affordable housing need in Preston'*. Table 13.2 of Mr Pycroft's evidence lists annual housing completions and affordable housing completions

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<sup>12</sup> A11: Central Lancashire Housing Study (March 2020)



since 2003 and at Paragraph 13.9 he states that of the 1,121 completions between April 2019 and October 2020 only 16.5% were affordable.

5.4 Finally at Paragraph 13.10 of Mr Pycroft's proof he appears to provide an assessment of the Council's forward looking five year supply, claiming that 916 dwellings out of the 3,581 dwellings which form the Council's deliverable housing land supply are affordable, which represents 25.5% of the supply.

5.5 Firstly I will deal with my views and comments on the adequacy of the affordable housing need data contained within the Central Lancashire Housing Study. I believe the explanation at Paragraph 3.55 of my main proof is largely sufficient to rebut Mr Pycroft's assertions. However to clarify, at no point have I attempted to quantify what the scale of affordable housing need is in Preston. The point I have made with regards to the Central Lancashire Housing Study is simply that it represents part of the evidence base for the review of the Local Plan, that its purpose was to assess whether or not the aggregate local housing need across Central Lancashire was the correct starting point for assessing housing need, and what the most appropriate and sustainable distribution of that aggregate need might be.

5.6 The data used to inform the affordable housing need contained within the study was taken from secondary sources, the figures have not been subject to independent scrutiny and have not, to date, been used to inform the preparation of policy. I therefore suggest that the weight which can be attributed to them is

negligible. As a matter of fact the Council, in partnership with Chorley Council, is in the process of commissioning consultants to undertake a comprehensive Housing Needs and Demand Assessment across the two boroughs for the specific purpose of assessing localised affordable housing need.

5.7 Finally, it is my professional opinion that given the significant role relative affordability plays in the standard methodology calculation, it is entirely reasonable to assume that an interim indicator of local housing and affordable housing need is the Council's housing land supply performance against the local housing need. Given the Council can demonstrate a 13.6 year supply of deliverable housing land against the local housing need it is more than fulfilling its role in that regard, in advance of a new Local Plan policy.

5.8 Turning now to Mr Pycroft's comments regarding affordable housing historic delivery and supply along with the data he has used to illustrate his point, I must confess that I do have fundamental concerns with the crudeness of the analysis provided. First and foremost it simply is the case that this form of statistical interrogation is far too simplistic and not particularly meaningful. The reason for this is quite obvious. In taking the historic annual total housing completion as Mr Pycroft has, and then listing the equivalent number of affordable houses delivered in each of those years he is not comparing like with like figures. That is because clearly not all the completions in any given year are sourced from sites which trigger the threshold contained within Development Plan policy. Many houses delivered in each year are sourced from smaller windfall sites

which do not reach the 15 dwelling minimum requirement in the main urban area and, the current, 10 dwelling minimum requirement in rural areas. Taking this into account means that in almost every year, a simple calculation like Mr Pycroft has undertaken will never reflect the policy target of 30%, which does not mean a policy failure is occurring.

5.9 It is also worthwhile noting that the 30% target set out in CS Policy 7<sup>13</sup> is just that, a target, it is not a minimum requirement. The actual amount agreed with a developer is, as stated in the wording of the policy, related to financial viability and competing planning obligations.

5.10 Similarly in terms of future supply, the same rationale applies. Indeed, to help furnish this point I draw the Inspector's attention to Appendix 1 of the Council's most up-to-date Housing Land Position Paper<sup>14</sup>. Here the Inspector can see that 256 of the dwellings included in the five year deliverable housing land supply are sourced from sites of under 5 units. Deducting this from the overall deliverable housing land supply brings the total down to 3,325. Proportionally this means 27.5% of the Council's deliverable housing land supply is affordable, a more meaningful proportion to that provided by Mr Pycroft at Paragraph 13.10 of his proof, albeit still not a true proportion as many more dwellings will be sourced from sites below the threshold. Further however, I would suggest that, all things considered, if either 25.5% or 27.5% (or more) of the Council's

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<sup>13</sup> Central Lancashire Core Strategy (July 2012), Policy 7

<sup>14</sup> A8: Preston City Council Housing Land Position at 1<sup>st</sup> October 2020

deliverable housing land supply is affordable in tenure, this represents exceptional performance, and certainly not a reason to approve a proposal which is contrary to the Development Plan in order to boost further the supply of affordable housing.

## 6 CONCLUSION

6.1 In conclusion my position is as follows:

- The Council is entirely justified in the use of local housing need to assess its housing land supply, and Mr Pycroft's reliance on PPG to counter that is misplaced.
- Mr Harris is wrong to assert that the Chain House Lane decision is the only reason the Council decided to revisit its housing land supply calculations, this decision was a result of a series of events which unfolded between July 2018 and December 2019.
- CS Policy MP and Policy V1 are agreed not to be within the basket of most important policies for the determination of the appeal.
- The appellant has misinterpreted CS Policy MP, and, contrary to assertions made, where the "tilted balance" is engaged, the policy does not disregard all other Development Plan policies and default all decisions to the Framework, that in itself would be contrary to the Framework and the primacy contained therein to the Development Plan.
- Both CS Policy MP and Policy V1 are in conflict with the Framework, are out of date, and as such carry no material weight in this appeal.
- Given the Council's strong housing delivery performance combined with the volume of planning permissions granted in recent years, meeting City Deal growth aspirations is not a reason to approve development contrary to the Development Plan and is a material consideration attracting little weight in the determination of the appeal.

- The weight which can be attributed to the Central Lancashire Housing Study from an affordable housing need perspective is negligible and Mr Pycroft has been misleading in the data which he has provided in his evidence on past delivery and future supply.
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