

PRESTON CITY COUNCIL



TOWN AND COUNTRY PLANNING ACT 1990

STATEMENT OF CASE SUBMITTED ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Appeal Site: Land north of Jepps Lane, Barton, Preston

Appeal Proposal: Outline planning application seeking approval for access only for residential development up to 125no. dwellings (all other matters reserved) (resubmission of 06/2019/0866)

Appeal By: Story Homes

Inspectorate Ref: APP/N2345/W/21/3276293

Preston City Council Ref: 06/2020/1002

1. INTRODUCTION

1.1 This Statement of Case is submitted by Preston City Council in respect of the appeal lodged by Story Homes against the Council's decision to refuse outline planning permission for the erection of up to 125no. dwellings on land north of Jepps Lane, Barton. All matters were reserved except for means of access.

1.2 The Council's Planning Committee resolved to refuse the planning application at the meeting on 3rd December 2020 for the following reason:

“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. 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 Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).”

1.3 The Council's evidence will set out that the proposal conflicts with the development plan as a whole and specifically Central Lancashire Core Strategy Policy 1 and Preston Local Plan Policy EN1, resulting in a development that fails to provide growth and investment in the right location, is not small-scale, would lead to the unplanned expansion of a rural settlement and result in the loss of a significant area of open countryside. It is considered that the significant harm identified cannot be made acceptable by virtue of planning conditions or obligations.

2 APPEAL SITE AND SURROUNDING CONTEXT

2.1 The appeal relates to an almost rectangular shaped field measuring 5 hectares, situated immediately to the north of Jepps Lane in Barton. Access into the field is currently obtained off Jepps Lane via a field gate in the south east corner of the field, as well as an additional field gate off the track to the north. The existing topography of the site is relatively flat, with a slight slope upwards from north to south.

2.2 The field is defined by mature boundary trees and hedges, with two prominent field trees set approximately 15 – 20m in from the western boundary. The trees within the appeal site, as well as some trees in close proximity to the appeal site, are protected by Tree Preservation Order (TPO 06/2019). Directly to the north of the site are the buildings associated with Hoole Fold Farm and to the south runs the highway of Jepps Lane, with residential properties situated on the opposite side.

2.3 The western boundary is shared with the rear gardens of a number of residential properties on Green Drive, South Grove, St Lawrences Avenue and Long Croft, and these residential streets separate the site from the A6 (Garstang Road) which is situated further to the west. Beyond the eastern boundary of the site are open fields.

2.4 There is a Public Right of Way (PRoW) FP1 directly to the north of the application site, through a track which forms part of Hoole Fold Farm and this PRoW connects to FP2 some 300m beyond the eastern boundary of the site. The appeal site is outside, but does adjoin, the settlement boundary of Barton, and therefore is defined as open countryside on the Policies Map of the Preston Local Plan (PLP) (Appendices 5 and 6).

3. THE PROPOSED DEVELOPMENT

3.1 Preston City Council validated the planning application that is subject of this appeal on 17th September 2020.

3.2 Outline permission was sought, with all matters reserved except for access, for the erection of up to 125no. dwellings. Vehicular access would be taken off Jepps Lane, in the south west corner of the site, as shown on submitted "*Potential Site Access Arrangement Plan – 2310-F01 Rev E*".

3.3 The access plan shows how the new proposed access would be created opposite the dwelling known as Oakfield and would include a 5.5m wide access road with

2m wide footways either side. Uncontrolled pedestrian crossings would be provided either side of the proposed access and in order to facilitate the proposed access a section of existing hedgerow fronting Jepps Lane would have to be removed, however the plan shows that the two existing trees to the east of the access can be retained.

- 3.4 Whilst in outline form the planning application was accompanied by an illustrative framework plan (WD19-09 – FP01), which provides an indication of how the site could be developed, as well as a separate Tree Retention Plan which shows how all trees covered by the TPO could be retained as part of this proposal.
- 3.5 The Planning Statement submitted with the application indicated that the proposal would provide 35% affordable units on site.
- 3.6 As mentioned earlier the Council's Planning Committee resolved to refuse the application at the meeting on 3rd December 2020 for the reason detailed above, and the decision notice containing the refusal was issued on the same day.

4 PLANNING HISTORY AND BACKGROUND

- 4.1 06/2019/0866 - Outline planning application seeking approval for access only for residential development up to 125no. dwellings (all other matters reserved) – Refused March 2020 (this refusal was not appealed)
- 4.2 06/2010/0436 – Change of use from agricultural land to residential curtilage (part of site) – Refused August 2010

5 RELEVANT PLANNING POLICY & GUIDANCE

5.1 The planning policy context for the appeal site is set out at a national level by the National Planning Policy Framework (NPPF) and at a local level by The Central Lancashire Core Strategy (adopted July 2012) and The Preston Local Plan 2012-26 (Site Allocations and Development Management Policies DPD) (Adopted July 2015).

5.2 National Planning Policy Framework

5.2.1 The Council's evidence will consider the appeal proposal against the policy guidance contained in the National Planning Policy Framework (NPPF), and in particular whether the site represents sustainable development (paragraphs 7 to 14) and the policy guidance given in the NPPF regarding the supply of housing (paragraphs 59 to 76).

5.2.2 The Council will also refer to the National Planning Policy Guidance (PPG) which supplements the above.

5.3 Central Lancashire Core Strategy

5.3.1 The Central Lancashire Core Strategy was formally adopted in July 2012. The Council's evidence will address the extent to which the appeal

proposal does or does not comply with the relevant policies within the adopted Core Strategy. In particular the evidence will explain why it is considered that the proposal does not comply with those policies identified in the reason for refusal. The Council will also refer to supplementary planning documents (SPDs) which supplement the above policies.

5.3.2 The following policies within the Core Strategy are considered relevant to the proposal (however the Policies highlighted in bold type are considered to be the most important in the consideration of this appeal):

- **Policy 1 - Locating growth**
- Policy 2 - Infrastructure
- Policy 3 - Travel
- **Policy 4 - Housing delivery**
- Policy 5 - Housing density
- Policy 7 - Affordable and special needs housing
- Policy 14 - Education
- Policy 17 - Design of new buildings
- Policy 21 – Landscape character areas
- Policy 22 - Biodiversity and geodiversity
- Policy 27 - Sustainable resources and new developments
- Policy 29 - Water management
- Policy 31 - Agricultural land

5.4 Preston Local Plan

5.4.1 The Preston Local Plan was formally adopted in July 2015. The Council's evidence will address the extent to which the appeal proposal does or does not comply with the relevant policies within the adopted Local Plan. In particular the evidence will explain why it is considered that the proposal does not comply with those policies identified in the reason for refusal. The Council will also refer to supplementary planning documents (SPDs) which supplement the above policies.

5.4.2 The following policies within the Local Plan are considered relevant to the proposal (however the Policies highlighted in bold type are considered to be the most important in the consideration of this appeal):

- Policy HS1 - Allocation of housing sites
- Policy HS3 - Green infrastructure in new housing developments
- Policy ST1 - Parking standards
- Policy ST2 - General transport considerations
- **Policy EN1 - Development in the open countryside**
- Policy EN7 - Land quality
- Policy EN9 - Design of new development
- Policy EN10 - Biodiversity and nature conservation
- Policy EN11 - Species protection

5.5 Other Material Considerations

5.5.1 Other material considerations in the consideration of this appeal include the following Supplementary Planning Documents:

- Affordable Housing (adopted 2012)
- Design Guide (adopted 2012)
- Open Space and Playing Pitch (adopted 2014)
- Rural Development SPD (2012).

6. **CASE FOR THE APPELLANT**

6.1 The appellant acknowledges that the proposal conflicts with Central Lancashire Core Strategy Policy 1 (CS1) and Preston Local Plan Policy EN1 (EN1), however consider that these policies should be afforded reduced weight by virtue of being out date, either based on their datedness and/or inconsistency with the National Planning Policy Framework (Framework) due to the Council's inability to demonstrate a five-year supply of housing against Central Lancashire Core Strategy Policy 4 (CS4).

6.2 The appellant states that it will be evidenced that the correct measure of housing requirement remains that set out in CS4, until such a time as it is further reviewed through a local plan process, and depending upon the position adopted by the Council at the time of the Inquiry, they reserve the right to challenge the identified 5 year housing land supply.

- 6.3 The appellant believes that the proposal represents a high-quality development, contributing to *“the delivery of homes of the right type and mix, at the right place and at the right time to meet market and affordable housing need”*. The appellant states that the appeal site is an *“accessible location close to key services facilities”*, and would deliver a range of social, economic and environmental benefits in accordance with the NPPF, and that the proposal would *“round-off and consolidate the settlement of Barton, avoiding any landscape or other visual harm”*. Other proposed benefits identified by the appellant include, providing ecological enhancements, provision of open space and employment opportunities.
- 6.4 The appellant concludes that where the “Tilted Balance” is engaged the benefits of the proposal clearly and convincingly outweigh the identified harms.
- 6.5 In the “Flat Balance” scenario the appellant contends that the balance remains in favour of the proposed development and *“even where increased or even full weight would be afforded to the relevant policies, the lack of any other technical harm allied with the range of other material considerations which weigh in favour of the proposed development are such as to indicate that the determination should be made other than in accordance with the development plan”*.

7 CASE FOR THE LOCAL PLANNING AUTHORITY

- 7.1 The Council will provide the following case in support of the reason for refusal, as well as addressing the matter of whether the most important policies for determining the application are out-of-date and whether or not the “tilted balance” is engaged, which has been raised by the appellant in their submission.
- 7.2 In line with the statutory test in section 38(6) of the Planning and Compulsory Purchase Act, the appeal must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council asserts that the proposal is contrary to Central Lancashire Core Strategy Policy 1 and Preston Local Plan Policy EN1, as it would result in a development that fails to provide growth and investment in the right location, is not small-scale, would lead to the unplanned expansion of a rural settlement and result in the loss of a significant area of open countryside. As CS Policy 1 and Policy EN1 of the Local Plan form the spatial strategy for growth and investment in Preston, this conflict is a fundamental conflict not only with the aforementioned policies, but with the Development Plan taken as a whole. The proposal being contrary to Core Strategy Policy 1 and Policy EN1 of the Local Plan is clearly accepted by the appellant within their Statement of Case.
- 7.3 The most important policies for determining this application are Central Lancashire Core Strategy Policies 1 and 4, and Preston Local Plan Policy EN1. The Council asserts that these most important policies for determining this

application, save for CS Policy 4 (relating to the housing requirement), are not out of date. As a result, the ‘basket’ of the most important policies for determining the application is not out of date. As the Council can demonstrate a five-year supply of housing land at April 2021¹, against both the local housing need figure calculated using the standard methodology and the Development Plan housing requirement contained in CS Policy 4, the Council contends the “tilted balance” is not engaged and there are no other material considerations that outweigh the clear departure from the Development Plan.

7.4 Paragraph 73 of the Framework states that Local Planning Authorities (in this case Preston, Chorley and South Ribble) should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against the housing requirement set out in adopted development plan policies, or against their local housing need (calculated using the standard methodology) where those development plan policies are more than five years old, unless those policies have been reviewed and found not to require updating.

7.5 In October 2017 the Central Lancashire authorities entered into a Memorandum of Understanding (MOU1) following the publication of a Central Lancashire Strategic Housing Market Assessment (SHMA) in September 2017. Based on the Objectively Assessed Need (OAN) set out in the SHMA, MOU1 confirmed a commitment from the Central Lancashire Authorities to continue to meet the

¹ Preston City Housing Land Supply Position April 2021 (Appendix 4)

housing requirement, and distribution, set out in CS Policy 4 until a full review of the development plan had taken place. The agreement contained within MOU1 also provided for a review, within three years of its approval (October 2020), to account for any change in circumstances prior to the full review of the development plan. It was therefore (i) time limited; and (ii) likely to be superseded by any subsequent review, undertaken in the light of a change in circumstances e.g. a significant change to national planning policy.

- 7.6 Whilst MOU1 pre-dates the first iteration of the revised Framework, in July 2018, the Council 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.
- 7.7 Following publication of the revised Framework a very significant change in circumstance has taken place with respect to the way local housing need is calculated. The application of the lower local housing need figure in Preston as a result of 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 is calculated on an authority basis.
- 7.8 The Council asserts that CS Policy 4, and specifically part (a) to CS Policy 4, is out-of-date, regardless of having been subject to a 'review' in October 2017. The housing requirement contained in CS Policy 4 is founded on the evidence

base which underpinned the, now defunct, North West Regional Spatial Strategy. This evidence dates back to a baseline of 2003, some 17 years ago.

7.9 On 9 March 2021 the Planning Inspectorate issued its decision² regarding an appeal on Land at Cardwell Farm, Garstang Road, Barton, Preston following a public inquiry held between 9 and 12 February 2021. The appeal was allowed, and outline planning permission was granted for 151no. dwellings and a community building.

7.10 The Council's argument at the inquiry was that whilst there had been a 'review' of the CS Policy 4 housing requirement figures in 2017 (MOU1), and that this 'review' amounted to a 'review' for the purposes of Paragraph 73 and Footnote 37 of the Framework, it had been overtaken by a significant change in circumstances since the review, namely, the emergence of the concept of local housing need calculated by the standard methodology and consequentially the significant change in a) methodology, b) overall numbers and c) distribution across the Central Lancashire authorities. Specifically the Council pointed toward the significant difference between the CS Policy 4(a) housing requirement for Preston and the local housing need for Preston calculated by way the standard methodology as being a significant change in circumstances which rendered CS Policy 4(a) out of date. The Inspector was therefore required to exercise a planning judgment on whether CS Policy 4(a) was out of date, considering all material considerations.

² APP/N2345/W/20/3258889, Land at Cardwell Farm, Garstang Road, Barton, Preston, PR3 5DR (Appendix 2)

7.11 However the Council's position is that, having recognised the point, the Inspector does not address it, nor deal with it in the appeal decision. The Inspector does not address and/or reach a conclusion on whether there has been a significant change of circumstances since 2017. He does not, therefore, exercise a planning judgment on whether CS Policy 4(a) is out of date as a result. Reading the decision letter fairly and in full, there is nothing to suggest this issue has been addressed and/or what the conclusion on this issue may be. Consequently the Council has challenged the decision in the Planning Courts. The challenge is being resisted by the Secretary of State and the Appellant in that case.

7.12 As such, the Council continues to consider that CS Policy 4, and in particular part (a) to CS Policy 4 is out of date and the solus standard methodology local housing need figure is the most appropriate figure to monitor and assess housing land supply in Preston. At April 2021 the standard methodology used to determine local housing need produces a minimum figure of 254 net additional homes per annum and against this the Council can currently demonstrate a 15.3 year supply of deliverable housing land. Furthermore, even if the Council were to assess its housing land supply position against the housing requirement contained in CS Policy 4(a), in spite of it being out of date, the Council can currently demonstrate a 6.1 year supply of deliverable housing land. The "tilted balance" is therefore not engaged for housing land supply reasons whichever of the two potential housing 'requirement' figures are used, however the Council's position is clearly that the solus standard methodology

local housing need figure is the most appropriate figure to monitor and assess housing land supply in Preston.

7.13 The Council notes that this position has been supported unequivocally in a recent (June 2021) appeal decision³ relating to land at Chain House Lane within the borough of South Ribble where CS Policy 4(a) applies in the same way as it does in Preston. In making his decision and considering the same circumstances as set out above, the Inspector concluded that the housing requirement contained in CS Policy 4(a) is out of date, and that the most appropriate way for South Ribble to assess its housing land supply position is against the local housing need figure. The Inspector concluded this taking account of a number of material considerations and counter-arguments which are of equal relevance in Preston, because of the significant difference between the housing requirement figure for South Ribble contained in CS Policy 4(a) and the local housing need figure for South Ribble, which constitutes a significant change in circumstances rendering CS Policy 4(a) out of date.

7.14 In South Ribble the CS Policy 4(a) housing requirement is 417 net additional homes per annum and the local housing need was 191 net additional homes per annum (at April 2020 and as presented to the Chain House Lane inquiry). The difference between the two therefore being 226 net additional homes per annum. In Preston the CS Policy 4(a) housing requirement is 507 net additional

³ Appeal decision APP/F2360/W/19/3234070 – Land to the South of Chain House Lane, Whitestake, Preston (Appendix 3)

homes per annum and the local housing need is 254 net additional homes per annum, the difference between the two therefore being 253 net additional homes per annum. The Inspector's conclusions in the Chain House Lane decision fully support the Council's position that an at least equivalent significant change in circumstances has occurred in Preston which renders CS Policy 4(a) out of date and supports the use of the local housing need figure to assess housing land supply. This was also the position of the Council at a recent conjoined inquiry relating to seven appeal sites in Goosnargh and Longridge, the Council awaits a decision from the Planning Inspectorate for these appeals.

7.15 Whilst the local housing need figure of 254 net additional homes per annum is significantly lower than the housing requirement figure for Preston contained in CS Policy 4(a) (507 dwellings per annum), it does not follow that as a result all the other most important development plan policies for determining this appeal are out of date. On the contrary, the spatial strategy and settlement hierarchy, together with the protection of the open countryside, remain up to date (see CS Policy 1 and Policy EN1).

7.16 The Council therefore contends that CS Policy 4, and specifically part (a) to CS Policy 4, being out of date does not engage the tilted balance as all the other most important policies (CS Policy 1, Local Plan Policy EN1) are not out of date.

CS Policy 1

7.17 CS Policy 1 deals with the spatial strategy for growth in Central Lancashire, prioritising new development within the Preston urban area, strategic sites and locations and adjacent to the Key Service Centre of Longridge. The policy seeks to constrain housing in the open countryside. This policy is considered to be up to date, in the light of the new housing 'requirement' contained in NPPF (2018) which employs the standard method. Policy 1 does not, in itself, define settlement boundaries and would not constrain the delivery of housing to meet the Council's local housing need figure. Additionally it is not considered that the settlement boundaries are out of date as these were drawn to provide sufficient land to accommodate a housing requirement of 507 dwellings per annum. Given that the housing requirement has significantly reduced since the settlement boundaries were drawn it is not considered that the settlement boundaries are out of date or need to be redrawn to encompass more land in order to achieve the Council's revised local housing need of 254 dwellings per annum.

7.18 Indeed, if the CS Policy 4 housing requirement were to be applicable, based on the cumulative undersupply at April 2021 and the remaining plan period requirement, it is plainly clear that, in housing terms, plan period growth will be achieved by the end date of the Local Plan in 2026 based on the deliverable housing land supply the Council will present to this inquiry. In either scenario therefore, CS Policy 1 is not out of date and continues to provide a robust basis upon which the Council can plan for sustainable plan-led growth.

Policy EN1

7.19 Whilst Policy EN1 of the Local Plan restricts development which takes place in areas of open countryside, the nature of the policy does not give rise to any conflict with a specific part of the Framework, or the Framework when taken as a whole. This is consistent with CS Policy 1. Given the local housing need in Preston is substantially below the housing requirement contained in CS Policy 4, as detailed above it is clear that more than sufficient land has been allocated for housing development to meet the local housing need. The protective policies in the Local Plan, which are consistent with the spatial strategy, are not therefore constraining the release of land for housing development and seek to prevent large scale developments within rural settlements and the open countryside, which would in turn be contrary to the Council's aspirations to locate growth and investment in the urban areas of Preston and strategic sites and locations. As such, there is no justification for concluding that Policy EN1 is out of date, or should be deemed to be out of date because of the Council's revised local housing need of a minimum 254 dwellings per annum. The Council therefore contends that Policy EN1 of the Local Plan is not out of date and attracts full weight in the determination of planning applications.

7.20 Again, if the CS Policy 4 housing requirement were to be applicable, given the Council can currently demonstrate in excess of a five year supply against that requirement, the same conclusion would be arrived at for Policy EN1 as described for CS Policy 1 in paragraph 7.18 of this statement.

7.21 As the Council can demonstrate a five year supply of housing against the standard methodology local housing need (and CS Policy 4 housing requirement), it is considered that all the other relevant policies (i.e. this means all policies except for Core Strategy Policy 4(a)) within the Core Strategy, Local Plan and Neighbourhood Plan, accord with the Framework, are not out of date and therefore the “tilted balance” in paragraph 11(d) of the Framework is not engaged. Furthermore, the Council contends that the most important policies for determining this application are consistent with the Framework, and therefore not out of date, and as such the titled balance is therefore not engaged for non-supply reasons either.

8. PLANNING BALANCE

8.1 DEVELOPMENT PLAN COMPLIANCE

8.1.1 The NPPF at paragraph 11 states that at the heart of it is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.1.2 The Council can demonstrate a 15.3 year supply of housing against the local housing need figure, and a 6.1 year supply against the CS Policy 4 housing requirement. Furthermore, as set out earlier in this Statement of Case, whilst CS Policy 4(a) is out of date, the basket of most important policies for determining this application is not considered to be out of date for housing land supply reasons or otherwise. As such, the Council contends that the tilted balance, or presumption in favour of sustainable development, is not engaged.

8.2 THE PLANNING BALANCE

8.2.1 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.

8.2.2 In the event the “tilted balance” is engaged, the process for determining this is comprised in three distinct steps, as set down by Mr Justice Dove in the High Court judgment in *Wavendon Properties Limited and the Secretary of State for Housing Communities and Local Government and Milton Keynes Council*. This briefly comprises of 1) one must establish which the policies most important for determining the appeal are; 2) each policy must be examined in relation to the question of whether or not they are out of date, by reference to the Framework; and 3) an overall judgement must be formed as to whether or not, taken as a whole, these policies are to be regarded as out of date for the purpose of the decision (the “basket”). The tilted balance is discussed in more detail in section 8.3 of this Statement of Case below.

8.2.3 The policies of the Development Plan and the Framework taken as a whole provide clear and justifiable reasons for refusing the development proposed. The appeal scheme is contrary to CS Policy 1 and Local Plan Policy EN1 as it represents a significant intrusion into the open countryside and a major, unplanned, expansion of an existing rural village and is not small scale. In this context the resultant harm arising from the conflict with the Development Plan and the Framework when taken as a whole would be compelling.

8.2.4 It is recognised the appeal proposal would deliver some of the benefits as referred to by the appellant. These benefits, along with the relevant weight the Council would give to these benefits in the planning balance, are listed below:

Benefit	Weight
Affordable housing (35%)	Moderate to significant weight
Market housing	Limited to moderate weight
Economic benefits	Limited weight
Energy efficient homes	Limited weight
Open space	Limited weight
Contribution towards sustainable transport	No positive weight – mitigation measure
Education contribution	No positive weight – mitigation measure
Potential biodiversity enhancement	No positive weight

8.2.5 In terms of the harm identified as a result of the appeal proposal coming forward, the appeal site is on land contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield, allocated sites, site within key service centres and other defined places, as defined by CS Policy 1. The proposal is not the type of development permissible under Policy EN1 and the identified loss of open countryside is therefore contrary to this policy. The harm identified is striking at the heart of the Development Plan spatial strategy for growth. The appeal site is in direct conflict with that spatial strategy for

growth, that conflict is not a ‘technical’ breach of planning policy, and is a fundamental conflict with the Development Plan when taken as a whole. The harm identified therefore attracts significant weight in the determination of the appeal.

8.2.6 The appellant has also stated that the proposal would “*round-off and consolidate the settlement of Barton, avoiding any landscape or other visual harm*”. The Council disagrees with the claim that the proposal would not result in any landscape or visual harm as the development of a green field, to be replaced with up to 125no. dwellings and the associated paraphernalia, would clearly have a visual impact on the site itself and wider area. Whilst it was considered that this harm was not in itself sufficient to justify a refusal on visual amenity grounds in respect of Core Strategy Policy 21, it is clearly still a harm that carries limited weight against the proposed development in the planning balance.

8.2.7 In summary, whilst the benefits associated with the appeal scheme are acknowledged in respect of the contribution the proposal would make to housing land supply and affordable housing, along with the economic benefits from employment opportunities during the construction phase, the provision of energy efficient homes and on-site open space, these benefits are considered to be generic and no more than would be expected from any major housing development anywhere within the borough and must, therefore, be considered in the light of the 15.3 year housing supply against the local housing need figure, and 6.1 year supply against the CS Policy 4 housing requirement. The main

benefits of the appeal proposal are the contribution towards housing land supply and providing a policy compliant level of affordable housing. In the context of the Council's published housing land supply position, in either a local housing need or CS Policy 4 scenario, it would be perverse for these benefits to significantly and demonstrably outweigh the clear conflict with the Development Plan, and the visual harm arising from the development of a green field.

8.2.8 Given that the Council can demonstrate a five year supply of housing land the benefits do not outweigh the conflict with the Development Plan strategy. The Development Plan strategy is considered to be relevant and up to date and, given the Council's five year housing land supply position, the most important policies for determining the appeal proposal attract full weight in decision-taking.

8.3 THE TILTED BALANCE

8.3.1 If, which is strongly denied, the tilted balance applies for reasons not connected to five year supply, planning permission should still be refused. The appeal site is located within the open countryside, outside of the village boundary of Barton and even if the most important policies for determining this appeal were considered to be out of date, they should be afforded significant weight in the application of the tilted balance for the reason detailed earlier in this Statement. Accordingly, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. Indeed, the Council can currently

demonstrate a 15.3 (or 6.1) year supply of deliverable housing land, has more than sufficient land identified for housing growth to meet the standard methodology local housing need and is consistently performing well with regards the Government's Housing Delivery Test (HDT)⁴.

8.3.2 It is therefore considered that the appeal proposal is contrary to the Development Plan, and, as set out in this Statement of Case there are no material considerations which outweigh this conflict and indicate that the Development Plan should not be followed. The benefits to the appeal proposal do not outweigh the conflict with the Development Plan and in the context of paragraph 11(d)(ii) of the Framework the adverse impacts of allowing the appeal proposal significantly and demonstrably outweighs the benefits.

8.3.3 Again, this approach is supported by the recent appeal decision at Chain House Lane. Here the Inspector concluded that with a housing land supply position between 10.1 and 12.7 years the 'tilted balance' was nevertheless engaged for reasons not connected to housing land supply. The Inspector, in dismissing the appeal, continued to attribute significant weight to the most important policies which were considered out of date because *'there is no housing need requirement to justify its (the appeal site's) development now'*.

9 CONCLUSION

9.1 The Local Planning Authority considers that, even if the necessary contributions and other matters are secured via a completed planning obligation, any benefits

⁴ HDT 2018 (252%), HDT 2019 (313%), HDT 2020 (339%)

that would arise from allowing the appeal would not outweigh the conflict with the Central Lancashire Core Strategy and the Preston Local Policies, and that the conflict with these policies is such that it will not be outweighed by other material considerations.

9.2 Therefore, the inspector is respectfully requested to dismiss the appeal.

9.3 If the Inspector is minded to allow the appeal the Council asks that consideration is given to attaching the conditions listed within appendix 1 attached to this statement.

APPENDICIES

- Appendix 1 – List of Recommended Conditions
- Appendix 2 – Appeal decision APP/N2345/W/20.3258889 – Land at Cardwell Farm, Garstang Road, Barton, Preston PR3 5DR
- Appendix 3 – Appeal decision APP/F2360/W/19/3234070 – Land to the South of Chain House Lane, Whitestake, Preston
- Appendix 4 – Preston City Housing Land Supply Position April 2021
- Appendix 5 – Preston Local Plan Policies Map
- Appendix 6 – Extract from Preston Local Plan Map showing settlement boundary of Barton

LIST OF DOCUMENTS TO BE REFERRED TO:

Document 1 – National Planning Policy Framework

Document 2 – Central Lancashire Core Strategy (*relevant policies already sent to PINS with appeal questionnaire*)

Document 3 – Preston Local Plan (*relevant policies already sent to PINS with appeal questionnaire*)

Document 4 – Affordable Housing Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)

Document 5 – Design Guide Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)

Document 6 – Open Space and Playing Pitch Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)

Document 7 – Rural economy Supplementary Planning Document (*already sent to PINS with appeal questionnaire*)