



# Jepps Lane, Barton

Proposed Residential Development

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## PLANNING STATEMENT

(Incorporating Sustainability Statement, Waste Management Statement, Affordable Housing Statement & Open Space Statement)

September 2020



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# REPORT CONTROL

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Document	Planning Statement
Project	Jepps Lane
Client	Story Homes
Job Number	19-656
File storage	PWA Planning\Client files\19-639 to 19-900\19-656 Jepps Lane, Barton\Planning application\Planning Statement

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## Document Checking

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## Revision Status

Issue	Date	Status	Checked for issue
1	16.09.20	DRAFT v1	DH
2			
3			
4			

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## **/1 INTRODUCTION**

- 1.1. PWA Planning is retained by Story Homes ('the Applicant') to provide a Planning Statement in support of a planning application for a residential development for up to 125no. dwellings ('Proposed Development') on land at Jepps Lane, Barton, Preston ('Application Site'). The planning application is made to Preston City Council (the Local Planning Authority) as an outline application and relates to the red edge application site boundary defined by the Location Plan (drawing ref. JP-LOC).
- 1.2. This application is a resubmission of application ref. 06/2019/0866 which was refused on 6<sup>th</sup> March 2020. The application had previously received a resolution to grant planning permission in December 2019, subject to a Section 106 agreement.
- 1.3. In December 2019, an appeal decision was issued by the Planning Inspectorate for a site in South Ribble known as Chain House Lane, Whitestake (PINS ref: APP/F2360/W/19/3234070 – see Appendix B).
- 1.4. On the sole basis of the Inspector's findings for this appeal decision, Preston City Council as the local planning authority (LPA) chose to again present planning application 06/2019/0866 to Planning Committee in February 2020. At this point, the s.106 legal agreement was in the process of being drafted. Based on the appeal decision, the LPA considered that a 5 year housing land supply could now be demonstrated by applying Local Housing Need figures. The LPA determined that the 'tilted balance' was no longer engaged and members subsequently resolved to refuse planning permission on this basis.
- 1.5. A legal challenge to the Chain House Lane appeal decision was subsequently lodged by the applicants for that scheme (Wainhomes (North West)) and the High Court Judgement was handed down on 21<sup>st</sup> August 2020 by Mr Justice Dove, quashing the appeal decision (see Appendix C)



- 1.6. Furthermore, a recent appeal decision in Chorley, at Pear Tree Lane, Euxton (PINS ref: APP/D2320/W/20/3247136), is also relevant for the purposes of determining this application (see Appendix D).
- 1.7. Both the High Court Judgement and appeal decision for Pear Tree Lane suggest that, regardless of Preston's housing supply position, the titled balance should be engaged by virtue of the most important policies for determining this planning application being out of date.
- 1.8. It is therefore considered that the position for this application should revert to that adopted by the LPA in December 2019 i.e. that the titled balance, as per paragraph 11(d)ii of the NPPF, will apply.
- 1.9. Given that the LPA has already previously resolved to approve the development proposals subject of this application, the engagement of the tilted balance results in the same assessment and hence the same conclusion, namely a scheme that comprises sustainable development and should be approved without delay.
- 1.10. This Planning Statement, alongside a review of the site history and relevant policies, provides a description of the Proposed Development together with an appraisal of the planning merits of the scheme as a whole. This statement should be read in conjunction with the submitted application package, which includes the following documents: -
  - 1 APP form, relevant certificates and notices;
  - Drawn information: -
    - Location Plan (ref. JP-LOC)
    - Existing Site Plan (ref. JLB-ESP-001)
    - Illustrative Framework and Landscape Plan (WD19-09-FP01 Rev G)
    - Tree Retention Plan (5977-TRP)
  - Design and Access Statement (incorporating Crime Impact Statement);
  - Ecology Survey and Assessment and Shadow Habitats Regulations Assessment;

- Flood Risk Assessment & Drainage Strategy;
- Phase I and Phase II Geo-environmental Site Assessment;
- Tree Survey and Report;
- Archaeological Desk-Based Assessment;
- Transport Statement;
- Landscape and Visual Impact Assessment;
- Landscaping Plan;
- Utilities Statement;
- Agricultural Land Classification Report;
- Statement of Community Involvement; and
- CIL Forms.

1.11. In addition, an Affordable Housing Statement, Sustainability Statement, Open Space Statement and Waste Management Statement are incorporated into this Planning Statement.

## **/2 SITE DESCRIPTION**

- 2.1. The Site is located on land to the immediate north of Jepps Lane, Barton and extends to approximately 5 hectares. It comprises open agricultural land bound by residential development on two sides and the farmstead. The Site is bound to the east by hawthorn hedgerow and mature trees, which runs north to south and beyond which lies agricultural land. Directly to the north is the farmstead, known as Hoole Fold and a track, which is a designated Public Right of Way. The western boundary of the Site is formed by existing fences to the rear gardens of the properties at Long Croft, St Lawrence's Avenue, South Grove and Green Drive. Beyond Jepps Lane to the south of the Site are properties at Jepps Avenue, Holmeswood Crescent and Forest Grove.
- 2.2. Existing access to the Site is currently taken off Jepps Lane to the south.
- 2.3. Within the wider area, the village of Barton extends south from the Site, with the majority of development located to the east of the A6. The village has grown along this corridor over several decades. Barton lies approximately 6 miles north of Preston City and approximately 1 mile north of Broughton. The general character of the wider surrounding area is rural, with frequent hamlets and farmsteads. Barton and Broughton are the largest settlements in the area. The M6 runs north-south approximately 800m to the east of the Site. The West Coast Mainline railway also runs north to south approximately 250m west of the Site beyond the A6.
- 2.4. A location plan showing the Site within its wider surrounding area is provided within the supporting documents (ref. JP-LOC) and for an aerial image of the Site within its closer setting please see Figure 1 below.



**Figure 1: Aerial image showing the location of the Site (not to scale)**

- 2.5. The Site is broadly flat with a gradual fall from south to north. The Site is located wholly within Flood Zone 1, where the risk of flooding is at its lowest. There are no landscape or ecological designations associated with the Site. There are no utilities or infrastructure constraints which would prevent the development of the Site; gas, electricity, broadband and water are all available within the immediately vicinity. There are no heritage designations associated with the Site, with the nearest listed building, the Grade II Listed Church of Saint Lawrence, located 450m to the south.
- 2.6. During the course of the original planning application (ref. 06/2019/0866), a Tree Preservation Order was made across the site, meaning all trees within the red line application boundary are now subject to a TPO (TPO 06/2019).
- 2.7. The Site sits outside of, but immediately adjacent to, the settlement boundary of Barton and the west of the Site marks the boundary with the borough of Wyre. The Site is



considered to be located sustainably; bus services are available from the A6 just south of its intersection with Jepps Lane. From here, the following services are available:

- Service 40 running hourly (Lancaster to Preston)
- 40a running once a day (Lancaster to Preston)
- 41 running hourly (Lancaster to Preston)
- 433 running once a day (Preston Railway Station to Myerscough)
- 437a running once a day (Preston Bus Station to Myerscough)
- 437b running once a day (Preston Bus Station Myerscough)
- 551 running once a day (Cabus to Preston)
- 651 running once a day (Cabus to Preston)
- 751 running once a day (Garstang to Runshaw College)
- 940 running once a day (Lancaster Royal Grammar School)
- 941 running once a day (Lancaster Girls Grammar School)

2.8. Buses into Preston City Centre take approximately 15 minutes. Lancaster City Centre is also accessible by bus with a journey time of approximately 35 minutes.

2.9. There are no public rights of way (PRoW) crossing the Site. The existing farm track to the north of the Site provides access to the countryside through a PRoW and Jepps Lane to the south also provide more opportunities to link into the wide public footpath network as well as cycle opportunities. The Site is highly accessible to several locations within walking distance of existing facilities in Barton.

2.10. The closest primary school to the Site is Barton St Lawrence C of E, approximately 200m to the south of the Site. Other services include Barton Village Hall, which includes a club, sports pitches and community space, the Pickled Goose public house and

restaurant, the Walled Garden restaurant and Bangla Brasserie are all within 1km of the Site.

### **/3 PLANNING HISTORY**

- 3.1. This application is a resubmission of application ref. 06/2019/0866, which was refused on 6th March 2020. The reason for refusal on that application was as follows:

*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).*

## **/4 PROPOSED DEVELOPMENT**

- 4.1. The Proposed Development comprises the erection of 125no. dwellings and associated development. The Illustrative Framework and Landscape Plan (ref. WD19-09-FP01 Rev G) provided with this application provides an indicative layout for the scheme and demonstrates how the proposals could be achieved. This application provides largely the same set of supporting information as the original application.
- 4.2. The application is submitted in outline with all matters reserved save for access. It is however the intention that the proposed properties and layout would reflect the character of the surrounding residential development. The proposals would represent a logical extension to the village of Barton to the north of Jepps Lane and east of the A6.
- 4.3. The Framework Plan illustrates how the site could be developed. Careful consideration has been given to the interface distances to the houses abutting the boundary to the west of the Site to protect existing and proposed residential amenity. Areas of Public Open Space are provided in the north west corner of the Site, in the centre of the Site alongside the eastern boundary, and adjacent to the southern boundary in the form of an arrival green. The northern and southern portions would also make provisions for SuDS. In addition, the site will require foul and surface water pumping stations.
- 4.4. In the Committee report which resolved to approve the application the Council stated:
- 4.4.1. Although the application is in outline form, with landscaping, appearance, layout and scale reserved for later consideration, the basic design principles can at this stage be appropriately assessed. The application is accompanied by a Planning Statement and an indicative layout plan showing the potential siting of the proposed dwellings and areas of open space. This indicative plan illustrates an arrival green at the southern end of the site, adjacent to Jepps Lane and the retention of existing trees within the site, including the two field trees which are considered to be of high visual amenity value. The erection of 125no. dwellings on 5 ha of land would equate to a relatively low density of 25no. dwellings per hectare.*

*Whilst the Framework seeks to ensure that developments make efficient use of land, 25no.dwellings per hectare is in keeping with the semi-rural character of this area which consists of detached and semi-detached properties with substantial residential curtilages. In comparison the residential estates of Jepps Avenue, Forest Grove and Holmeswood Crescent to the south have a housing density of approx. 23 dwellings per hectare, and therefore this is considered similar to the proposed. Overall the submitted information in respect of the proposed layout demonstrates that the level of development proposed could be accommodated on this site, subject to a reserved matters application which would develop this layout and design for further consideration. As such, whilst full details would be provided at reserved matters stage, it is considered that the details provided comply with Policies 5 and 17 of the CS and Policy EN9 of the LP.*

- 4.5. The proposed access would be taken directly off Jepps Lane to the south of the Site, with houses accessed via an internal road. Additional paths within the Site would allow for ease of movement.
- 4.6. It is proposed that a new footpath link will be provided to the public right of way to the north of the site.

### **Sustainability Statement**

- 4.7. The proposals will make efficient use of the available land, with a proposed 125no. dwellings proposed on the Site.
- 4.8. The Site is considered to lie within a sustainable location for residential development. The Site lies adjacent to the settlement boundary of Barton and therefore has a strong relationship with the village. There are bus stops within approximately 200m of the Site off Garstang Road, providing regular services into Preston and Lancaster. The Site is within a 10-minute walking distance of local amenities and schools. The Transport Assessment discusses accessibility in greater detail.



- 4.9. The properties will be designed to meet the current building regulations with regards to thermal efficiency and energy consumption. The construction process will source local materials and suppliers where possible which will reduce transport emissions both to and from the Site.
- 4.10. Discussion of the proposal with regard to the NPPF and the definition of sustainable development can be found in Section 7.

#### **Waste Management, Refuse and Recycling Statement**

- 4.11. The provision of adequate space for the required waste and recycling bins in line with the assumed requirements of the future residents will be considered at the reserved matters stage.
- 4.12. The proposed access outlined in the Framework Plan which accompanies this submission will provide adequate room and facilities to allow the Site to be served by refuse vehicles. At the Reserved Matters stage, swept path analysis will be provided to demonstrate that refuse vehicles can access, turn and exit the Site in forward gear.
- 4.13. It is noted that in the pre-application comments, that collections from properties situated on shared driveways need to be carefully considered, as the Council's Waste Management vehicles and crew will not collect from these areas, therefore shared bin collection points may be necessary at the end of shared driveways. This will also be picked up at the Reserved Matters stage.

## 5 PRE-APPLICATION ADVICE

- 5.1. Formal pre-application advice was sought from PCC prior to the submission of the original application. This involved a meeting with PCC on 13<sup>th</sup> March 2019, followed by written comments issued on 18<sup>th</sup> April 2019 which reflected those discussions. The written comments are provided as Appendix A.
- 5.2. At that time, and with regards to the principle of the development, PCC's position was that whilst the scheme is not considered to comply with the relevant policies (CS Policy 1 and LP Policy EN1 relating to development in the countryside), there are material considerations that would need to be taken into account that may outweigh the non-compliance with policy, such as the lack of a five year housing land supply which the Council accepted at that time.
- 5.3. The pre-application response also detailed the validation requirements for the application, which have been adhered to in this submission.

## **/6 TECHNICAL CONSIDERATIONS**

- 6.1. The planning application is supported by relevant technical reports which demonstrate that the proposed development is capable of being implemented without significant adverse impacts arising from site constraints. These are summarised below.

### **Phase I and Phase II Geo-environmental Site Assessment**

- 6.2. A contamination report has been prepared by E3P and is provided with the application. The report looks to determine potential contaminated land liabilities, remediation requirements and geotechnical engineering works required for the proposals.
- 6.3. The report concludes that that the soils pose no unacceptable risk with respect to a proposed residential development and the Site is suitable for development for a residential end use without the requirement for mitigation measures. No underground obstructions were identified during the geotechnical ground investigations on Site.

### **Flood Risk Assessment & Drainage Strategy**

- 6.4. The Flood Risk Assessment which has been prepared by RSK demonstrates that the proposed development would not increase the risk of flooding elsewhere. Surface water drainage would be attenuated and discharged directly to the nearby watercourse to the south. The report concludes that the development of the Site should not be precluded on flood risk grounds.

### **Archaeological Desk-Based Assessment**

- 6.5. The archaeological desk-based assessment by Orion provided with the submission documents assesses the Site with regards to the heritage significance and archaeological potential of the Site.

- 6.6. The assessment confirms that the site has low potential for buried archaeological remains with the potential for Roman remains of local interest at best. The low likelihood of the presence of remains would not preclude development of the Site.

### **Tree Survey Report**

- 6.7. The tree survey report produced by TBA was prepared to inform the design layout of the proposed development. The tree survey assessed all the trees on the Site and highlights their retention category. During the course of the original planning application, a TPO was made across the site and a Tree Protection Plan has been provided which demonstrates that all trees within the site would be retained by the proposed development.

### **Ecology**

- 6.8. The Phase I Habitat Assessment for the Site demonstrates that there are no designated sites for nature conservation within the Site, and that habitats within the Site are not considered to contribute to the nature conservation value of any designated sites in the wider area. None of the habitats within the Site are of significant interest in terms of their plant species with only common and widespread plant species present.
- 6.9. With regards to protected species, some features on Site have potential to support bat roosts and are suitable for foraging and commuting bats and foraging and nesting birds. Mitigation measures relating to the retention of trees and hedgerows and their protection during construction, sympathetic lighting design and habitat enhancements, including new planting, would suffice to ensure protected species are not unacceptably impacted by the proposals.
- 6.10. Although there are no ponds on Site, assessment work was undertaken in 2018 to determine the presence of great crested newts in ponds in the wider area. Absence of this species was confirmed and further work in this respect is not required.

- 6.11. The proposals will have no significant adverse effect on statutory or non-statutory designated sites for nature conservation. This is demonstrated by a separate Shadow Habitats Regulations Assessment (HRA) prepared for the site and proposals as part of the original planning application in November 2019 (ERAP (Consultant Ecologists) Ltd, November 2019). The HRA was accepted by Natural England in their letter dated 21st November 2019.

### **Transport Assessment**

- 6.12. A Transport Assessment has been prepared by Croft. The report has assessed the traffic and transportation implications relating to the proposed development and provides reassurance that the proposals can be accommodated by the local transport network.
- 6.13. The assessment concludes that the proposals would deliver a highly sustainable development. The Site is accessible from non-car modes, such as walking, cycling and there are bus stops within easy walking distance. The Assessment is also accompanied by a Travel Plan which would further assist in delivering a highly sustainable development on the site.
- 6.14. The report states that the Site can be accessed in a safe and efficient manner off Jepps Lane. The proposals would not have a material impact or give rise to any highways issues and the proposed development would be able to be accommodated onto the local highway network. There is no evidence that proposals would have an adverse effect on road safety.

### **Agricultural Land Classification**

An Agricultural Land Classification survey has been undertaken for the Site by Soils Environmental Solutions. The survey has identified the entire Site as Grade 3b, which is moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops. Grade 3b land is not considered to be the 'best and most versatile'.



### **Landscape and Visual Impact Assessment**

- 6.15. The Landscape and Visual Appraisal produced by Urban Green evaluates the anticipated change to the landscape character and composition of selected views. It concludes that the site represents an opportunity to deliver an appropriate and considered residential development, rounding off the rural settlement boundary. There are no significant adverse impacts in landscape or visual terms to preclude the granting of planning permission.

### **Utilities Statement**

- 6.16. A Utilities Statement has been provided which demonstrates that water, gas, electricity and broadband are readily available in the vicinity of the Site and there are no utilities infrastructure constraints that would preclude development.

### **Conclusions**

- 6.17. It is not considered that there are any technical considerations which would preclude the grant of planning permission for the proposed development.

## **/7 PLANNING POLICY CONTEXT**

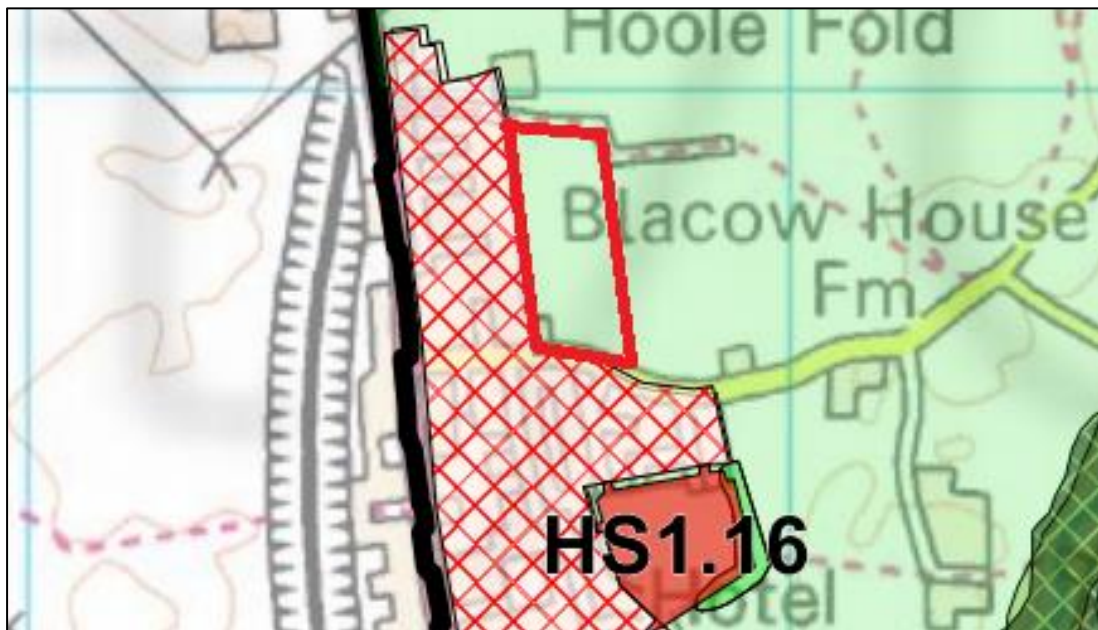
7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

*"where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"*

7.2. The Development Plan for the Application Site comprises the Central Lancashire Core Strategy (2012) and the Preston Local Plan 2012-2026 (2015). Key policy documents that comprise 'material considerations' include the National Planning Policy Framework (2019), National Planning Policy Guidance (NPPG), and any local supplementary planning guidance documents considered relevant to the proposal.

### **Local Plan Policies Map (2015):**

7.3. As shown on the extract from the policies map in Figure 2 below, the Site lies within the open countryside (pale green), where Policy EN1 is relevant, adjacent to the settlement boundary of Barton (hatched red):



*Figure 2: Extract from the Preston Local Plan 2012-26 (2015)*

### **Central Lancashire Core Strategy (adopted 2012)**

- 7.4. **Policy MP** reflects the presumption in favour of sustainable development, as outlined within the NPPF. Planning applications that accord with the policies in the Local Plan will be approved without delay.
- 7.5. **Policy 1 Locating Growth** sets a hierarchy for development sites across the plan's area. Point (f) of this policy states that outside of these areas, development within smaller villages will be accepted where it is small scale and limited to infilling, conversions, or to meet local needs, unless there are exceptional reasons for larger scale redevelopment schemes.
- 7.6. **Policy 3 Travel** looks to outline the best approach in order to facilitate a general improvement in travel options and quality of services. The policy promotes the improvement of "safe and secure" urban and rural footways and paths.
- 7.7. **Policy 4 Housing Delivery** focuses on providing for and managing the delivery of new housing to ensure that where necessary, new sites for housing are put forward. Within Preston, there is a minimum requirement for 507 dwellings to be delivered per year and is a minimum requirement. Preston City Council's current position is that the Authority cannot demonstrate a five-year housing land supply.
- 7.8. **Policy 5 Housing Density** sets out that housing sites should be in keeping with the local area in terms of densities, and not detract from the amenity, character, appearance, distinctiveness and environmental quality of an area. Consideration will also need to be made with regards to making efficient use of land.
- 7.9. **Policy 6 Housing Quality** seeks to improve the quality of housing in the area, in part by facilitating the greater provision of accessible housing and neighbourhoods and the use of higher standards of construction.
- 7.10. **Policy 7 Affordable and Special Needs Housing** aims to improve the quality of housing in the area, in part by facilitating the greater provision of accessible housing and neighbourhoods and the use of higher standards of construction. A minimum of

35% on-site affordable housing is required on sites in rural areas and on those sites in or adjoining villages. Where robustly justified, off-site provision or financial contributions of equivalent value will be acceptable.

- 7.11. **Policy 16 Heritage Assets** states that there is to be the protection and enhancement of the historic environment and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significances and to support development where it protects and enhances the local character, setting, management and historic significance of heritage assets.
- 7.12. **Policy 17 Design of New Buildings** outlines that design will be expected to take account of the local area. Consideration will be given to a detailed list of criteria that includes siting, amenity impact, existing features and build quality. This policy states that the provision of landscaping is an integral part of development and also promotes the provision of public open space.
- 7.13. **Policy 21: Landscape Character Areas** requires new development to be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated to positively contribute to its conservation, enhancement or restoration.
- 7.14. **Policy 22 Biodiversity and Geodiversity** aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area. It seeks to reduce disturbance and facilitate the survival of protected species, ecological networks and enhance the biodiversity value of the region.
- 7.15. **Policy 26 Crime and Community Safety** requires that new development plans for reduced levels of crime and improved community safety by encouraging the inclusion of Secured by Design principles in new developments.

#### **Preston Local Plan 2012 -2026 (adopted 2015)**

- 7.16. **Policy V1 Model Policy** reflects the NPPF and its promotion of sustainable development. The policy reads similar to that of Paragraph 11 of the NPPF, outlining

that should applications accord with a Development Plan or indeed if said plan is out of date that applications should be approved without delay unless material concerns dictate otherwise.

7.17. **Policy EN1 - Development in the Open Countryside** states that in the areas designated under Policy EN1, other than that permissible under policies HS4 and HS5, development will be limited to:

- a) *"that needed for purposes of agriculture or forestry or other uses appropriate to a rural area including uses which help to diversify the rural economy;*
- b) *the re use or re habitation of existing buildings;*
- c) *infilling within groups of buildings in smaller rural settlements."*

7.18. **Policy EN3 - Future Provision of Green Infrastructure** indicates that all developments where necessary, should provide landscape enhancements, conserve and enhance important environmental assets, make provision for the long-term use and management of these areas and provide access to well-designed cycleways and footpaths.

7.19. **Policy EN7 Land Quality** states that new development should demonstrate that any existing contamination of land be addressed by appropriate mitigation measures and the proposed development will not cause the land to become contaminated.

7.20. **Policy EN9 - Design of New Development** states that all new development proposals should be designed with regard to the principles of *"movement and legibility, space and enclosure, mix of uses and tenures, adaptability and resilience, resources and efficiency and architecture and townscape."*

7.21. **Policy EN10 - Biodiversity and Nature Conservation** and Policy EN11 Species Protection are in accordance with Core Strategy Policy 22. They look to conserve and enhance designated sites of ecological interest, protected species and the habitats of protected species.



7.22. **Policy ST1 Parking Standards** outlines that all development proposals will provide car parking standards adopted by the Council.

7.23. **Policy ST2 General Transport Considerations** states that proposals will need to demonstrate safe and efficient access and that sustainable methods of transport are catered for through the development.

### **Material Considerations**

#### ***National Planning Policy Framework (2019)***

7.24. The NPPF sets out Government planning policies for England and how these are expected to be applied. The purpose of the planning system is to deliver sustainable development, with the presumption in favour of sustainable development set out in Paragraph 11 whereby developments which correctly balance the requirements of economic, social and environmental issues should be granted planning permission unless there are strong reasons that permission should not be granted. The NPPF also strongly supports economic and housing development.

7.25. Sustainable development is broadly defined in Paragraph 8 of the Framework as having three overarching objectives:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.26. The NPPF has a strong focus on increasing the supply of new housing and Section 5 promotes the Government’s objective to significantly boost the supply of new homes. Paragraph 78 and 79 considers proposed new dwellings in the countryside and states that:

*"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

7.27. Section 9 of the Framework, Promoting Sustainable Transport, at Paragraph 109 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

***Central Lancashire Design Guide Supplementary Planning Document (SPD)***

7.28. This SPD looks to emphasise the importance good design plays in ensuring that proposals represent sustainable development, quality and local distinctiveness in the built environment. Its key objective is to raise the quality of design by supporting development which incorporates good design and best practice measures. Whilst the Proposed Development has been made in outline, the key principals of this SPD will be taken forward through the final design process of the proposals.

## **/8 PLANNING POLICY ASSESSMENT**

### **Principle of Development**

- 8.1. The Site is located within the Open Countryside in the Preston Local Plan. Core Strategy **Policy 1** 'Locating Growth' aims to focus growth and investment on well-located brownfield sites and lists specific areas where it should be concentrated. The policy aims to protect the character of suburban and rural locations, whilst acknowledging that some greenfield development will be required on the fringes of the urban area.
  
- 8.2. Although the Site has a clear relationship with the settlement of Barton, which the Site lies adjacent to and is bound on two sides by residential development, it is acknowledged that the Site lies within the Open Countryside. Therefore, in the context of **Policy 1**, the Site falls within part (f) 'other places', where it is stated that 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. It is acknowledged that there is a conflict with this policy.
  
- 8.3. The Local Plan Policies Map identifies the Site as within the Open Countryside, where **Policy EN1** is relevant in the Preston Local Plan. This policy seeks to restrict development to that needed for the purposes of agriculture or forestry or other uses appropriate to a rural area including uses which help to diversify the rural economy; the re-use and re-habitation of existing buildings; and infilling within groups of buildings in smaller rural settlements. It is acknowledged that the proposed development conflicts with **Policy EN1**. There are however important material considerations which are considered to override this conflict.
  
- 8.4. The **NPPF (2019)** at Section 5 sets out the Government's objective to significantly boost the supply of homes and ensure that a sufficient amount and variety of land can come forward where it is needed, and that the needs of specific groups are met.

Joint Memorandum of Understanding (JMOU)

- 8.5. **Policy 4** of the Central Lancashire Core Strategy sets out the housing requirement for the City Council in the period 2010-2026 which is aimed at providing for and managing the delivery of new housing by setting and applying minimum requirements. The Core Strategy was adopted in July 2012 and as such is notably dated. In response to the passage of time and the requirements to keep the requirement under review, the three CLA<sup>1</sup> authorities had entered into a previous Joint Memorandum of Understanding (JMOU) and Statement of Co-operation relating to the Provision of Housing on 3rd October 2017 within which at section 5.10 the following is recorded: -

*"The Councils agree for the following reasons both*

*(a) that it is appropriate for the proper planning of Central Lancashire as a whole that an apportionment of the full Objectively Assessed Need is made across the Housing Market Area and*

*(b) that the current Joint Core Strategy requirement figures – which exceed the Objectively Assessed Need on a Housing Market Area footprint – should continue to be applied prior to or pending adoption of a replacement local plan."*

- 8.6. It therefore stands to reason that, at the time of entering into the 2017 JMOU the councils considered the relevant policies, including Policy 4, to continue to be applicable. As a consequence, since 2017 the councils have continued with the application of Policy 4 in terms of both the identical housing requirement and the distribution of housing for each of the three local planning authority areas.
- 8.7. In 2019 the CLA commissioned consultant's Icenii to prepare a housing study in the context of early work in preparation of the Review of the Central Lancashire Core Strategy. One element of Icenii's remit was to:

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<sup>1</sup> Preston City Council, South Ribble Council, and Chorley Council

*"Advise on the scale of housing need and interim distribution of housing across Central Lancashire to inform a revised Memorandum of Understanding;"*

- 8.8. The study sets out the local housing need figure under the standard methodology, which across the CLA would be as follows:
- Preston 241 dwellings per annum
  - South Ribble 206 dwellings per annum
  - Chorley 579 dwellings per annum  
(1026 in total)
- 8.9. The report then considers a range of factors for applying or disapplying the standard methodology to the 1026 dpa in terms of the distribution of that figure. All of those matters are plainly informing policy, including the potential release of land from the Green Belt. The Icen report concludes that a revised distribution of housing is preferable and suggests the following:
- 40% for Preston,
  - 32.5% for South Ribble
  - 32.5 % for Chorley
- 8.10. The report acknowledges that the conclusions will be used to inform an updated JMOU, intended to provide an interim basis for agreeing how the HMA's housing needs might be distributed.
- 8.11. On 1<sup>st</sup> November 2019 the CLA published the *"Central Lancashire Housing Study"*, the purpose of which was to validate a decision of the CLA to amend its 2017 JMOU to allow for a shift from the adopted Central Lancashire Core Strategy housing requirement. It was clearly indicated that this was intended to form the basis for development management decisions across the CLA. Multiple objections were submitted to the CLA. Despite this, each of the three councils of the CLA moved to adopt a draft revised 2019 JMOU shortly after expiry of the initial consultation period.



- 8.12. A judicial review is being pursued by one of the principal parties affected by the Council's decision to adopt the 2019 document and permission has already been granted to progress to a court hearing.
- 8.13. The judicial review seeks to remedy the view that the Council has acted unlawfully by the adoption of the 2019 JMOU. Should the legal challenge prove successful then the outcome is likely to be one of the following scenarios.
- The council continue to apply the adopted development plan housing requirement (CLCS Policy 4) as per the agreement set out in the 2017 JMOU. In this scenario it is likely that the council would revert to its position prior to the adoption of the recent JMOU, whereby the actual requirement and significant backlog mean it cannot demonstrate a five-year supply of housing.
  - It is concluded that the 2017 JMOU was not a review of the strategic policies<sup>2</sup>; the existing strategic housing policies are more than five years old and so the council reverts to the use of standard method derived figures for local housing need. In doing so this renders the policies which are most important for determining the application out of date.
- 8.14. In either of the above circumstances, the so called 'tilted balance' set out in NPPF Paragraph 11d)ii is engaged and planning permission for residential development schemes should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 8.15. Chain House Lane, Whitestake, Preston
- 8.16. As detailed in the introduction to this Planning Statement, subsequent to the publication of the 2019 JMOU, on 13<sup>th</sup> December 2019 an Inspector's decision was

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<sup>2</sup> As envisaged in NPPF Paragraph 73 Footnote 37

issued in respect of an appeal by Wainhomes (North West) Limited against the decision of South Ribble Borough Council to refuse planning permission for up to 100 dwellings on land to the south of Chain House Lane, Whitestake, Preston (APP/F2360/W/19/3234070). This decision included an assessment by the Inspector of the housing supply position in the area. In dismissing the appeal, the Inspector appeared to suggest validity to the approach being taken by the CLA in respect of the change from the figures using the standard method derived from re-distribution of housing requirements as set out in the draft 2019 JMOU (now adopted).

- 8.17. Following this on 20<sup>th</sup> December 2019, Preston City Council issued a press release and an updated housing position statement, using the Chain House Lane appeal decision as sole justification for this change. The outcome was that the Council then claimed it could demonstrate a 5-year housing land supply. It also indicated its intention to reconsider all undetermined planning applications, including the original application at this application site, ref. 06/2019/0866, which at this time, was in the process of preparing a s.106 agreement following a resolution to grant.
- 8.18. A number of planning applications, some previously considered acceptable in the tilted balance scenario, including the scheme which is the subject of this application, were presented to the council's Planning Committee on 13<sup>th</sup> February 2020. The reports to committee recommended that, with few exceptions, applications be refused based on conflict with development plan policy. The key (and indeed only material) change in most cases was the council's position in terms of its 5-year housing land supply, resulting from the claimed validation by the Chain House Lane appeal inspector of the amended housing requirements set out in the draft 2019 JMOU and hence whether the so called 'tilted balance' was engaged.
- 8.19. The Chain House Lane appeal decision was the subject of a legal challenge and judgement was handed down on 21st August 2020, quashing the decision.
- 8.20. In quashing the Chain House Lane appeal decision, it is evident that the two successful grounds of the challenge have significant relevance for the determination of planning

applications by the LPA. These are ground 1 (*‘the inspector’s consideration of whether there had been a review (of the relevant strategic policies of the Core Strategy)’*) and ground 5 (*‘the inspector’s consideration of the implications of the distributional impact of use of standard method for application of the tilted balance’*). In respect of these matters, Mr Justice Dove came to the following conclusions:

*"37. It is convenient to start with the ground of challenge which is conceded by the first defendant. This is ground 5, related to the conclusion that Local Plan Policy G3 was not out of date. In my view there is conspicuous merit in this ground, on the basis that the Inspector’s reasoning failed to deal with the claimant’s argument or explain her conclusions in relation to it. The argument which was made by the claimant was related to the consequences of deploying the standard method’s measurement of local housing need as a result of the earlier conclusions which the Inspector had reached. The figures set out above identify a stark difference in the housing distribution using the local housing need housing requirement, as compared to the distribution contained within Core Strategy Policy 4(a). The Inspector simply failed to provide an answer to the point raised in relation to the adoption of the standard method and its consequences for the distribution of housing contained within that policy which, in turn, underpinned the quantity and distribution of safeguarded land reflected in Local Plan Policy G3. It was not an answer to Mr Fraser’s point at the inquiry (namely, that the use of the local housing need requirement figures derived from the standard method presented a radically different housing distribution to that in the Core Strategy) to compare the distribution using the standard method with a Housing Study which contained housing figures which had been adjusted by an as yet inchoate emerging policy. As Mr Fraser submits, her approach involved a comparison which was not apt and failed to engage with the direct consequences for Local Plan Policy G3 of her earlier conclusion that the standard method for deriving the housing requirement should be used for the purposes of her decision. Indeed, the Inspector’s reliance in her reasoning on a future exercise of policy making, involving review and a fresh exercise of redistribution, reinforced the point that Local Plan Policy G3 was in fact out of date and requiring review at the time of making the present decision if the housing requirement derived from the standard method was to be deployed. Further, her reference to this situation as not being one referred to in the Framework or PPG as rendering this type of policy out of date does nothing to explain either why the claimant’s detailed point in relation to the impact on the current distribution of housing of use of the standard method did not render Local Plan Policy G3 out of date.*

*38. I am, therefore, satisfied that the Inspector's reasons were inadequate in that they failed to grapple with and explain adequately her answer to the point raised in relation to the consequences for the distribution of housing set out in the Core Strategy for each of the Central Lancashire authorities, upon which Local Plan Policy G3 depended, arising from her adoption of the housing requirement derived from the standard method for the purpose of taking her decision. The concession made by the first defendant was appropriate, and the claimant must succeed on ground 5.*

*39. I turn then to grounds 1, 2 and 3, noting Mr Cannock's undisputed proposition that the claimant must win on either grounds 1 and/or 2 as well as ground 3 in order to succeed, bearing in mind that the points raised under ground 3 are in the alternative or a fallback, and on the basis that a footnote 37 review had in fact taken place as the claimant contends. Dealing firstly with ground 1, in my judgment there is substance in the claimant's complaint that the Inspector fell into error in suggesting that Core Strategy Policy 4(a) was not mentioned in either of the committee reports. It is conceded that this was an error. The concession is rightly made, since to my mind it is plain that on any reading of the committee reports in June 2016 and March 2017 the central focus of the discussions taking place, and the exercise underway, was an examination of whether or not the housing requirement in Core Strategy Policy 4(a) remained valid. The point which she made is an error and, as a consequence, incapable of supporting her conclusions, thereby rendering her reasoning unclear and unlawful. In so far as this is relied upon as an actionable error of fact, it satisfies in my judgment the requirements set out in the case of E, since it was an error in relation to an established and verified fact which was not caused by either party at the inquiry. I note that in identifying the reasons it is said that the Inspector had for forming the conclusion that there had not been a review, the second defendant relies upon her reference to Core Strategy Policy 4 being absent from the committee reports, and it is clear to me that this reference was a part of the reasoning she relied upon in reaching her conclusions in relation to the review. I am unable to accept the second defendant's suggestion that this is merely a matter raised in passing: it was part of her reasoning.*

*40. It follows from this that one of the strands of reasoning said by the second defendant to support the Inspector's conclusions has been found to be legally flawed. Whilst I am prepared to accept the contentions made by the second*

*defendant in relation to the Inspector's reliance upon the absence of consultation, the reference to the Brindle Road Inspector and the fact that the SHMA was not itself a review of the policy as all being matters potentially relevant to her consideration of whether or not there had been a footnote 37 review, I have found her reasons in paragraph 20 (flowing from paragraph 16 of the decision letter) in relation to reliance on the conclusion that there was not a review of the whole of Core Strategy Policy 4 problematic. It is clear that footnote 37, related as it is to paragraph 73 of the Framework, relates to strategic policies containing a housing requirement. In this case the strategic policy containing the housing requirement is Core Strategy Policy 4(a), and not the other elements of the policy which relate to additional ancillary matters. The apparent reliance on Core Strategy Policy 4 not having been reviewed as a whole is further complicated by Mr Fraser's pertinent submission that in fact the MOU contained agreement not simply in relation to policy 4(a), but also in relation to those other ancillary matters. In short, it is difficult to understand, and the Inspector failed to explain, firstly, why the whole of Core Strategy Policy 4 had to be reviewed for the exercise to constitute a review for the purposes of footnote 37 and, secondly, why the MOU did not constitute that review of the whole policy bearing in mind the contents of the MOU. For all of these reasons, and whilst I have not concluded that all of the claimant's submissions have substance, I have concluded that on the basis of the claimant's arguments which I have accepted, they must succeed in respect of ground 1."*

8.21. Pear Tree Close, Euxton, Chorley

8.22. Shortly before the handing down of the Chain House Lane Judgement, an appeal decision was issued in relation to 'Land at Pear Tree Close, Euxton, Chorley' within Chorley Borough Council and which grappled with a number of these similar issues.

8.23. The appeal was allowed, and outline planning permission was granted for the erection of up to 180 dwellings.

8.24. The appeal inspector considered the implications of the 2019 JMOU in his decision (identified as MOU2 in the appeal decision) and his conclusions were:

*20. On the point of principle, it is common ground between the main parties that the LHN for Chorley borough should be calculated using the standard method in accordance with footnote 37 and paragraph 73 of the Framework<sup>7</sup>. Paragraph 60 and the definition of LHN in Annex 2 of the Framework permit an alternative approach to the standard method to be used to calculate the LHN in the context of preparing strategic policies only, where exceptional circumstances justify this. However, the Council does not seek to argue that there are exceptional circumstances for taking an alternative approach for calculating Chorley's LHN<sup>8</sup>.*

*21. Instead, the Council refers to paragraph 2a-013 of the Planning Practice Guidance (PPG) on how LHN should be calculated where plans cover more than one LPA area<sup>9</sup>. In such circumstances, the PPG states that the housing need for the combined area should be at least the sum of the LHN for each LPA within the area, but that it will be for the strategic policy-making authority to distribute the total housing requirement arrived at across the plan area. This is the approach the Council has taken jointly with the Central Lancashire authorities and on which the redistribution of LHN in MOU2 and the May 2020 SoCG is based.*

*22. The Council maintains that it is legitimate to rely on this redistribution of LHN on an interim basis, for monitoring and calculating the 5YHLS, until the adoption of the replacement CLLP. That is clear from the agreement between the three Councils in paragraph 8.1 of the MOU2. The implication of this is that a housing requirement based on the redistribution of LHN set out in MOU2, as well as informing the emerging CLLP, is to be relied upon as a material consideration for decisions on planning applications and appeals in the meantime, where the existence of a 5YHLS is at issue. The Council has sought to argue that MOU2 is not material consideration for decision-making. However, it forms the basis for the Council's case that it can demonstrate a 5YHLS, and, therefore, is a material consideration in this appeal.*

<sup>7</sup> Paragraph 2.6 of the Housing Requirement and 5 Year Housing Supply Statement of Common Ground (SoCG)

<sup>8</sup> Confirmed by Nick Ireland (Iceni) in answers to cross examination on 23 June 2020

<sup>9</sup> Paragraph: 013 Reference ID: 2a-013-20190220 in the Housing and economic needs assessment section of PPG

*31. All of the above and the rebuttals submitted by both parties to these points, constitute arguments and evidence which need to be properly tested through the emerging CLLP preparation and examination process, in order to arrive at a*

*housing requirement for the sub-region and for Chorley, which satisfies the tests of soundness in paragraph 35 of the Framework. Whilst MOU2 was the subject of consultation, it is evident<sup>21</sup> that there are significant and substantive objections to the proposed redistribution of the LHN and the evidence which supports it, which remain outstanding and will need to be resolved, ultimately through the CLLP examination. The Court of Appeal has established that 'it is not for an Inspector on a S78 appeal to seek to carry out a sort of local plan process so as to arrive at a constrained housing requirement figure'<sup>22</sup>.*

21 From the report on the consultation of the Revised Joint MOU to the Central Lancashire Strategic Planning Joint Advisory Committee in January 2020 (ID24)

22 City and District of St Albans v Hunston Properties [2013] EWCA Civ 1610 [26] (CD11.12)

*"42. Policy 4 of the CLCS sets the minimum housing requirement for the district. It is common ground between the main parties that Policy 4 is out-of-date. As such, the Council contends that it is not a most important policy. However, to exclude from the list of 'most important' policies those which are out-of-date, would undermine the purposes of paragraph 11(d) of the Framework, which seeks to ensure the 'tilted balance' is applied where the 'most important' policies of the development plan are out-of-date. The MOU confirms that Policy 4 is of particular relevance to the provision of housing land. Given that the appeal proposal is for housing development and that there is a dispute over whether the Council can demonstrate a 5YHLS, it follows that Policy 4 of the CLCS must be one of the most important policies in this case."*

*"45. The second step is to examine each of these policies to see whether or not they are out-of-date. The courts have established that a policy may become 'out-of-date' where it is overtaken by a change in national policy. That is clearly the situation applying to Policy 4 of the CLCS, where its housing requirements were derived from the former Regional Spatial Strategy for the North West, which in turn relied on the 2003-based household projections. This, combined with the introduction of the standard method in the 2018 Framework and the application of the 2014-based household projections, renders the housing requirements in Policy 4 out-of-date."*

### Implications of Appeal Decision and High Court Judgement



- 8.25. Considering both the High Court Judgement and the Euxton appeal decision, it is evident that both provide information which is of considerable relevance to this planning application.
- 8.26. Considering first the conclusions of Mr Justice Dove at paragraphs 39 and 40 of his judgement, it seems there is at least the potential to conclude that the original 2017 JMOU constituted a review of the housing requirements for the purposes of national guidance and hence that the Core Strategy Policy 4 housing requirement could be found to be current, pending adoption of new requirements through a new development plan.
- 8.27. In the alternative, where the development plan housing requirement is considered to be out of date, the conclusions of Mr Justice Dove at paragraph 37 of his judgement indicate that the use of standard method derived measurement of local housing need would likely render relevant policies of the Core Strategy and importantly other consequential development plan policies in the individual local plans (in that case Policy G3 of the South Ribble Local Plan) 'out of date' in the context of NPPF Paragraph 11(d). The corollary of this conclusion would likely be similar, if not identical, in the case of similar important development plan policies (e.g. Policy EN1) in the Preston Local Plan.
- 8.28. A similar argument was deployed in the Euxton appeal where the LPA sought to suggest that the 2019 JMOU (MOU2) was not a material consideration yet were claiming a 5-year housing supply against the requirement figures provided for within this document. In that case the inspector gave limited weight to MOU2 given the '*significant and substantive*' unresolved objections to this document (which is reinforced by the ongoing legal challenge).
- 8.29. In summary, given the challenge succeeded on Ground 1, it remains entirely possible that the starting point could be that the 2017 MOU review represents the correct housing numbers and distribution for the CLA. In such circumstances the council is

unable to demonstrate a 5-year housing land supply, and therefore Paragraph 11d(ii) is engaged.

- 8.30. If this is not accepted, the local housing need is to be applied (as per NPPF Paragraph 73) and the judgment makes it explicitly clear that Policy 4 is out of date by virtue of the varied distributions across the three authorities and therefore, Paragraph 11d(ii) of the NPPF is engaged, **regardless of the five year housing land supply position**. This point is amplified by the inspector's conclusions on the 'Land at Pear Tree Lane, Euxton, Chorley' appeal decision which preceded the judgment.
- 8.31. In applying Paragraph 11d(ii), the test is clear in that where policies that are most important for determining an application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.32. Whilst adoption of the 2019 JMOU seeks to challenge this position introduce an alternative interim arrangement, which is being used for development management purposes, this is subject to legal challenge for which permission to proceed to a substantive hearing has already been given.
- 8.33. In summary on the above, it is considered that the adoption of the 2019 JMOU (MOU2) is legally flawed and that this document and its revised housing distribution should be given no material weight in the decision-making process. This conclusion is also reflected in the views of the appeal Inspector dealing with the appeal at Pear Tree Lane, Euxton and the adoption of the document is currently the subject of ongoing legal proceedings.
- 8.34. Accordingly bringing together the implications leading from the High Court judgement in the Chain House Lane case and the Euxton appeal decision, it is the case that either:

- the adopted development plan housing requirements remain up to date and in which case the LPA cannot demonstrate a 5 year housing land supply

**or**

- the standard method derived figure for local housing need is utilised as a result of the development plan housing requirements being deemed out of date. This significant change in housing requirement would similarly render the policies which are most important for determining the application, including CLCS Policy 1 and PLP Policy EN1, out of date.

8.35. In either case, the result is that NPPF Paragraph 11d)ii is engaged. Therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

#### Tilted Balance

8.36. It is noted that in the report to Planning Committee in December 2019, it was stated that: [our emphasis]

*"In considering Paragraph 11(d)(i), the site is not within a protected area or adjacent to any designated asset. County Archaeology have commented the archaeological potential of the site is not so high as to preclude any development, and that any archaeological issues could be dealt with via condition. **As such there is no clear reason for refusing the development proposed in relation to Paragraph 11(d)(i).** In terms of Paragraph 11(d)(ii), there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would significant and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole... **there are considered to be no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in***

***the Framework taken as whole, the Framework advises that permission should be granted.”***

- 8.37. The proposals represent sustainable development, in the context of the NPPF. With regards to the economic objective, the proposals would see the delivery of up to 125 new dwellings Barton and the wider Preston area. The development would contribute to the local and wider economy. During construction, local contractors are likely to be used for site preparation and construction works, whilst the local supply chain would provide materials. Indirectly, there is likely to be a boost to other local businesses during construction. The scheme would make an important contribution to housing supply in the city and once completed, occupation of the dwellings would provide a long-term boost to local business and services.
- 8.38. Socially, the scheme would provide a high-quality residential development, reflecting excellent standards of urban design which would link the new homes with the existing settlement. The proposed development would deliver a mix of market homes and affordable housing for the local community. The Site is located sustainably, and future residents would benefit from the local services already available in the village.
- 8.39. The Site itself is not considered to be of ecological significance, with no statutory ecological designations or protected species on the Site. There are also no heritage considerations for the Proposed Development. The land would be redeveloped for an appropriate use, complementing the surrounding environment. Therefore, the environmental aspect of sustainability is met.
- 8.40. The above points were agreed by the LPA in their report to Planning Committee in December 2019:

*"Paragraph 8 of the Framework states that achieving sustainable development means that the planning system has three overarching objectives: the 'economic objective', the 'social objective' and the 'environmental objective'. The proposed construction of the dwellings would provide a short-term economic benefit. The proposal would result in social benefits by increasing housing supply and supporting the growth of a strong*

*and vibrant community from the future occupants of the dwellings, enhanced by the provision of 35% affordable units to meet the needs of present and future generations. In terms of the environmental objective, the visual impact of the development is considered to be acceptable as the site adjoins existing development on three sides. The trees covered by a provisional TPO would be retained and the proposal will include areas of public open space. Potential impacts upon protected species can be successfully mitigated by conditions. Furthermore, the conditions attached will ensure that the development would be energy efficient and include electric vehicle charging points.”*

- 8.41. It is clear from the technical reports submitted with this application, summarised in Section 6 of this Planning Statement, that there are no environmental or technical constraints which would preclude development of the proposal. An assessment of these aspects of the proposals against the relevant development plan policies is provided below. Therefore, the scheme amounts to sustainable development in the context of the above policies and the principle of the proposed development is considered acceptable. In accordance with Paragraph 11d)ii, permission should be granted.

### **Affordable Housing Statement**

- 8.42. In line with Central Lancashire Core Strategy **Policy 7**, within rural areas there is a requirement for residential development to provide 35% affordable housing. It is intended that the proposals would provide up to 35% affordable housing. Details on total numbers, distribution and tenure split will be considered at the reserved matters stage.

### **Open Space Statement**

- 8.43. In accordance with the Central Lancashire Open Space and Playing Pitch SPD, there is a requirement for on-site amenity space to be provided as the proposed development would be of 10 or more dwellings. Furthermore, there is a requirement for on-site

provision for young people as the development would be of 100 or more dwellings. On the basis of 125 dwellings, 1,620m<sup>2</sup> (0.162ha) of POS would be required. This can be readily accommodated within the site.

- 8.44. The subject application is in outline only. The exact quantity and layout of the POS will be determined at the reserved matters stage.
- 8.45. A management company will be established with responsibility for the ongoing maintenance and management of the POS.
- 8.46. In the report to Planning Committee for the original application, it was stated that, subject to further reserved matters submissions and conditions, the proposal had demonstrated a capacity to satisfy the principle of Policies 17, 18 and 24 of the Core Strategy and Policy HS3 of the Adopted Local Plan.

## **Design and Technical Considerations**

### ***Housing***

- 8.47. The proposed development would provide up to 125no. dwellings on Site, at a density of up to 25 houses per gross hectare, which is considered appropriate for the application site. It is considered that the proposals would make efficient use of the site and would relate well to the neighbouring residential development within the site's vicinity in terms of scale and density, without impacting upon the amenity or character of the area, in line with **Policy 5**.

### ***Design and amenity***

- 8.48. Although the proposed development is submitted in outline, with all matters reserved except for access, it is the intention of the applicant to deliver high-quality housing on the site. The scheme will reflect the character and appearance of the surrounding residential area and would provide a positive contribution to the local distinctiveness

of the area. Story are renowned for the high quality of their developments, with the proposed scheme being no exception.

8.49. The supporting proposed layout plan demonstrates how the 125no. dwellings can be achieved on the site, without compromising the amenity of future and existing residents. Full design details in terms of layout and the design of all the properties will be addressed through the subsequent reserved matters application, nonetheless the proposals are in accordance with **Policy 17** and **Policy EN9**.

8.50. The Site is not notable in terms of landscape value, character or appearance and it is considered that, given the extent of residential development to the immediate south of the Site, and to some extent the farm development to the north, the proposed development represents a logical extension to the village, and that the harm to the character of the open countryside as a result of the scheme would be minimal. Therefore, the proposals are considered to comply with **Policy 21**.

8.51. Within the report to Planning Committee for the original planning application, the LPA agreed with the above analysis, stating the following:

*"...the submitted information in respect of the proposed layout demonstrates that the level of development proposed could be accommodated on this site, subject to a reserved matters application which would develop this layout and design for further consideration. As such, whilst full details would be provided at reserved matters stage, it is considered that the details provided comply with Policies 5 and 17 of the CS and Policy EN9 of the LP."*

8.52. With regards to residential amenity, the report found that:

*"The indicative plan demonstrates that the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts on the amenities of properties which border the site. In view of the above, whilst*



*further details would be required at reserved matters stage, it is considered that the details provided comply with Policy 17 of the CS and Policy EN9 of the LP.”*

### ***Ecology and Trees***

8.53. As demonstrated in the ecological assessment, there are no statutory ecological designations associated with the Site and the proposed development is not expected to have an adverse impact on nature conservation sites in the wider area. Habitats on Site are made up of common species and with regards to protected species, mitigation measures would suffice to ensure there are no unacceptable impacts as a result of the proposals. . The hedgerow to the east of the Site is to be retained and proposed planting within the site will have a positive impact on biodiversity, in accordance with **CS Policy 22**

8.54. The Tree Survey has helped to inform the layout of the Site, with trees being located on the Site perimeter, subject to the TPO, being retained.

### ***Flood Risk and Drainage***

8.55. The supporting Flood Risk and Drainage Assessment confirms that the application Site is located within Flood Zone 1, where the risk of flooding is at its lowest. The proposals would not be at risk of flooding, nor would it increase the risk of flooding elsewhere. As such, the proposed development is considered to comply with the provisions of **CS Policy 29**.

### ***Transport and Highways***

8.56. As demonstrated in the Transport Assessment, the Proposed Development would have no adverse impact on the safety or operation of the local highway network, in line with **Policy 3** and the NPPF.

8.57. Parking would be provided in line with the required standards as required by **ST2**.

8.58. It is noted that Lancashire County Council raised no objection to the original application, subject to the imposition of conditions and financial contributions being secured within the Section 106 Agreement and Section 278 Agreement. As such, the LPA concluded there was no conflict with the relevant policies in this respect.

### ***Cultural Heritage***

8.59. The Archaeological Assessment confirms that the site has low potential for buried archaeological remains with the potential for Roman remains of local interest at best. The low likelihood of the presence of remains would not preclude development of the Site. There is considered to be no conflict with **Policy 16** in this respect.

### ***Landscape and Visual***

8.60. The Site is located on the edge of the settlement within the open countryside, where there is a requirement under **EN1** to protect the character of countryside locations. **Policy 21** seeks to ensure that new development is well integrated into the existing settlement pattern, that it is appropriate to the landscape type and that it contributes positively to its conservation or restoration.

8.61. The Landscape and Visual Assessment provided with this submission finds the Proposed Development offers opportunity to deliver an appropriate and considered residential development, rounding off the rural settlement boundary. There are no significant adverse impacts in landscape or visual terms to preclude the granting of planning permission. No conflict is therefore identified with this policy. This view was accepted by the LPA in their report to Planning Committee, in which it was stated that:

*"Although the development would lead to the loss of agricultural land, it would be located directly adjacent to the existing Barton village boundary, forming an extension which would not project beyond the most eastern part of the existing settlement*

*boundary on the opposite side of Jepps Lane to the south (the residential properties on Forest Grove). As such the development of this site would represent an extension and expansion of the existing built form rather than creating an isolated and detached development within the open countryside...*

*... the proposal would be in keeping with the semi-rural character of Barton Village which is considered acceptable in principle with CS Policy 21, subject to a suitable final design at reserved matters."*

### **Summary**

- 8.62. In December 2019 the LPA resolved to grant planning permission for the proposed development, subject to resolving a s.106 agreement. The recommendation was on the basis of the engagement of Paragraph 11d)ii and the tilted balance.
- 8.63. It is contended that the tilted balance is engaged in this case as CLCS Policies 1 and 4, as well as PLP Policy EN1 are out of date. For the reasons indicated above it is considered that this position remains unaffected by the method used by the LPA in calculating its housing land requirement, or the extent of its assessed supply.
- 8.64. Given that the LPA has already previously resolved to approve the development proposals subject of this application, the engagement of the tilted balance results in the same assessment and hence the same conclusion, namely a scheme that comprises sustainable development and should be approved without delay.

## **/9 CONCLUSION**

- 9.1 PWA Planning has been retained by Story Homes to provide a Planning Statement to support an outline planning application for a proposed residential development of 125no. dwellings and associated infrastructure on land at Jepps Lane, Barton, Preston.
- 9.2 In December 2019 the Council resolved to grant planning permission for the proposed development, subject to resolving a s.106 agreement. The recommendation was on the basis of the engagement of Paragraph 11d)ii and the tilted balance.
- 9.3 The Council stated *“that there are no adverse impacts of approving the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole. Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework it is recommended that planning permission should be granted.”*
- 9.4 It is contended that the tilted balance remains engaged in this case as the most important policies for determining this application are out of date. For the reasons indicated above it is considered that this position remains unaffected by the method used by the Council in calculating its housing land requirement, or the extent of its assessed supply.
- 9.5 This application is supported by a suite of documents which demonstrate that the development can be delivered in a manner which would not lead to unacceptable impacts on the local or wider environment, hence there are no reasons why planning permission should not be granted.
- 9.6 Given that the Council has already previously resolved to approve the development proposals subject of this application, the engagement of the tilted balance results in the

same assessment and hence the same conclusion as the resolution to grant permission given in December 2019, and the application should be approved without delay.

## **APPENDIX A – Pre-Application Advice**

**APPENDIX B – Land to the South of Chain House Lane, Whitestake, Preston  
(Appeal Ref: APP/F2360/W/19/3234070)**

**APPENDIX C - Wainhomes Northwest Limited vs Secretary of State for  
Housing Communities and Local Government and South Ribble Borough  
Council (Case no. CO/234/2020)**



**APPENDIX D – Pear Tree Lane, Euxton (Appeal Ref:  
APP/D2320/W/20/3247136)**



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