

**Proof of Evidence of Councillor Peter Wilson
on behalf of Chorley Borough Council**

**Lead Appeal A: Land off Carrington Road, Adlington, PR7 4JE Appeal Ref.
APP/D2320/W/21/3284692**

**Linked Appeal B: Land south of Parr Lane, Ecclestone, Lancashire Appeal Ref.
APP/D2320/W/21/3284702**

January 2022

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1. Introduction

1.1. My name is Cllr Peter Wilson. I have been a Councillor for 13 years. I am the Deputy Leader of the Council. I was involved as a Councillor and member of the Executive Cabinet in the preparation of the adopted Chorley Local Plan and am familiar with the issues raised in this appeal through regular briefings to the Leader of the Council and myself. I hold the resources portfolio.

1.2. This Proof of Evidence is provided on behalf of Chorley Borough Council in relation to the refusal of:

- Appeal A - Land at Carrington Road, Adlington: outline planning permission (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing). All matters are reserved save for access; and
- Appeal B – Land off Parr Lane, Eccleston: outline planning permission (with all matters reserved) for the development of land off Parr Lane, Eccleston for up to 34 dwellings and associated infrastructure (including 35%¹ affordable housing).

1.3. This Proof of Evidence details the planning policy relevant to the appeals, explains the reasons for refusal, provides commentary in relation to material benefits and provides an assessment of the overall planning balance for each appeal. It specifically addresses the matters set out by the Inspector following the Case Management Conference:

- a. whether the proposal would conflict with the development plan (Chapter 2);
- b. whether the development plan policies most important for determining these appeals are out-of-date, with reference to (1) whether the local planning authority can show a 5-year supply of deliverable housing sites (Chapter 4) and (2) consistency with the National Planning Policy Framework (NPPF) (Chapter 2 and 4);
- c. whether the conclusions on b1 and b2 or any other material considerations would justify allowing these appeals (Chapter 6).

¹ Amended from 30% prior to the Council's decision on the application at committee.

- 1.4. Additional evidence is provided in response to the Inspector's questions around Housing Supply at Chapter 4 and Appendix A to this proof of evidence.
- 1.5. My evidence refers to a number of supporting evidence documents, all contained in the Core Documents for the inquiry. In this proof they are referred to by reference number in the Core Documents List to assist the Inspector's appreciation of the case.
- 1.6. I have not repeated information including a description of the sites and relevant planning history as these are contained within the Council's Statement of Case (CD10.1) and the Statement of Common Ground on Planning (CD10.5). A Statement of Common Ground on Housing Supply is provided at CD10.4.
- 1.7. The appeals will be discussed at the Public Inquiry due to commence at 10am, on Tuesday 15th February 2022.

2. Conflict with the Development Plan and National Planning Policy

The Development Plan

- 2.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that these appeals must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 2.2. The Development Plan comprises the Central Lancashire Core Strategy 2012 (CD6.1) and the Chorley Local Plan 2012-2026 (CD6.2).
- 2.3. Details of the most relevant policies for the appeals are set out in the Council's Statement of Case (CD10.1) and the Statements of Common Ground (CD10.4 & 10.5).
- 2.4. Both appeals have been refused on the basis that the proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. The proposals therefore conflict with policy BNE3 of the Chorley Local Plan 2012 – 2026. Chorley has a five-year housing land supply as required by the NPPF (CD5.1). It is not considered that there are material considerations put forward in favour of the development sufficient to outweigh the presumption against it.
- 2.5. It is agreed within the Planning Statement of Common Ground (CD10.5) that there is conflict in respect of both appeals with Policy BNE3 of the Chorley Local Plan and that in context of NPPF paragraph 11 d), the most important policies for determination of the appeal are Core Strategy Policies 1 and 4 and Chorley Local Plan Policy BNE3. These policies are the starting point for considering the appeals and are considered by the Council to be up to date with reference to the 5 Year Housing Land Supply and consistency with the NPPF (CD5.1).

Other Material Considerations

- 2.6. There are a number of other material considerations that have to be factored in when assessing the proposals.

2.7. The NPPF (2021) and the PPG are key material considerations, as is the five-year housing land supply position. In particular, paragraph 143 d) of NPPF identifies that local *“plans should, make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”*.

2.8. NPPF and PPG confirm that the housing requirement in strategic policies should be used for the calculation of the five-year housing land supply where those policies are more than five years old but have been reviewed in the last five years. With regard to the relevant strategic policy, Core Strategy Policy 4, this policy was found to be sound and consistent with the NPPF when adopted as part of the Core Strategy in 2012. Evidence provided in this proof refers to locally specific issues in Chorley, which were reflected in Core Strategy Policy 4. Subsequently, a review in accordance with paragraph 74 of NPPF and footnote 39 took place in 2017 through MOU1 (September 2017) (CD6.9), and Core Strategy Policy 4 has therefore been reviewed within the last five years. The Council considers this review to remain relevant. Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation. Chorley has a Five-Year Housing Land Supply (CD6.15), and Core Strategy Policy 4 is therefore up to date in this regard.

2.9. The benefits which could arise from the proposed developments are also relevant, but in the Council’s view these do not outweigh the conflict with the development plan and national policy in the planning balance.

2.10. These considerations will be discussed further in this Proof.

3. Safeguarded Land and the Housing Requirement for determining the 5 Year Land Supply

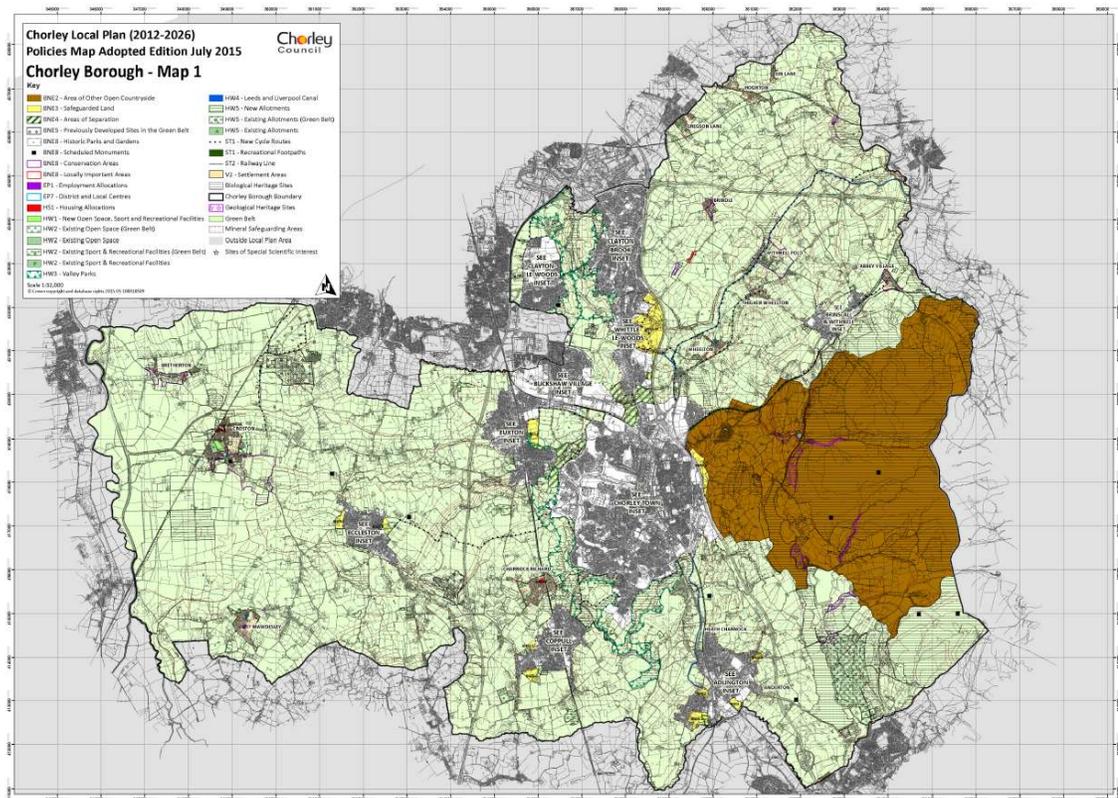
- 3.1. This section of my evidence sets out the national and local planning policy context for Safeguarded Land, and the local context of Chorley Borough. For context, I also provide a brief overview of when Safeguarded Land was identified in Chorley, its review and partial release through the local plan review process, detail on the number of planning applications submitted for development on Safeguarded Land, and background and progress on the emerging Local Plan for Central Lancashire.
- 3.2. With reference to the strategic housing policy of the development plan I then identify the housing requirement as set by Core Strategy Policy 4 as the requirement for calculating the Council's 5 Year Land Supply.

Safeguarded Land

- 3.3. The concept of Safeguarded Land is well established. It is an important tool in maintaining the permanence of the Green Belt, one of its essential characteristics (NPPF paragraph 137, CD5.1).
- 3.4. Safeguarded land is land which is protected from development now to ensure that future development needs can be met without altering Green Belt boundaries. When the Safeguarded Land in Chorley was designated in 1997 (see Designation Evolution below at paragraphs 3.10-3.12), Planning Policy Guidance Note 2 (PPG2): Green Belts (and its Annex B) was the relevant national policy guidance. The national policy position on safeguarding land through local plans has remained consistent since that time, through the publication of NPPF in 2012 and its subsequent revisions.
- 3.5. PPG2 stated that *"When local planning authorities prepare new or revised structure and local plans, They should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the plan period. In order to ensure protection of Green Belts within this longer timescale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be required to meet longer-term development needs"*.

- 3.6. Annex B stated that *“development plan policies should provide that planning permission for the permanent development of safeguarded land should only be granted following a local plan or UDP review which proposes the development of particular areas of safeguarded land. Making safeguarded land available for permanent development in other circumstances would thus be a departure from the plan”*.
- 3.7. This message regarding the use of safeguarded land was retained through the NPPF where paragraph 143 (previously paragraph 85) states in very similar wording: *“When defining Green Belt boundaries, plans should: [...] c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.”*
- 3.8. Safeguarding land is a key part of ensuring the permanence of the Green Belt in line with paragraph 137 of the NPPF. The extent of the Green Belt in Chorley Borough is relevant to these appeals.
- 3.9. As can be seen on the Chorley Local Plan Policies Map below (CD6.3), approximately 72% of the land in Chorley borough is designated as Green Belt (as shown in green), and 0.7% of the land is designated as safeguarded (shown in yellow).

Chorley Local Plan Policies Map



Designation Evolution

3.10. The 1986-1996 Lancashire Structure Plan originally set out the extent of the Green Belt in Lancashire and an extensive Green Belt within Chorley Borough. The Green Belt was established in line with Government publications in the 1980s; Circular 14/84: Green Belts, and PPG 2 both of which reaffirmed the commitment of the Government to the designation and protection of Green Belts which sought to prevent urban sprawl by keeping land permanently open. The Green Belt boundary remained unchanged through the 1991-2006 Lancashire Structure Plan.

3.11. Defining Green Belt boundaries was a major issue that was determined through the Chorley Borough Local Plan 1997, where detailed Green Belt boundaries were fixed for the first time since their introduction. In the 1997 Local Plan, in order that the Green Belt boundaries should last for a long time, certain areas of land, including both appeal sites, were removed from the Green Belt designation and identified as Safeguarded Land (Policy C3). The intention was for the safeguarded land to be

protected from development until a time in the future, when it might be required to serve development needs. At that time, there was still the presumption that safeguarded land had been identified on the basis that it may be required for development beyond the plan period and would be treated as if it were Green Belt until such time when a need for it was identified in a future review of the Local Plan.

- 3.12. In 2003, through the Chorley Borough Local Plan review, twenty Safeguarded Land sites were identified which totalled to approximately 389 hectares. The appeal sites were retained as Safeguarded Land, this time under Policy DC3; and given the references DC3.4 (Appeal A) and DC3.18 (Appeal B). The 2003 Local Plan review identified that sufficient land within the settlement boundaries was available to meet the housing supply requirements, and with the exception of one safeguarded site being released for employment use (Gale Moss), all other safeguarded land sites were retained as such through the 2003 Local Plan.

Policy BNE3: Areas of Land Safeguarded for Future Development Needs

- 3.13. In 2010, during the drafting of the now adopted Chorley Local Plan 2012-2026 (adopted in 2015), all areas of Safeguarded Land covered by Policy DC3 were reviewed again. The review included a sustainability assessment and consultation with both Lancashire County Council and United Utilities. Through this review, Safeguarded sites which were considered most suitable to meet Chorley's housing, employment, and open space requirements, specifically those which were natural extensions to the existing settlements, were most viable in terms of highways access and the characteristics of the sites, were removed from the Safeguarded Land designation and reallocated for housing, employment, or open space purposes. The most sustainable, developable, and deliverable Safeguarded Land sites were allocated with the remainder being retained for potential future needs beyond the plan period under Policy BNE3. When the Chorley Local Plan was adopted the appeal sites continued to be identified as Safeguarded Land at BNE3.3 North of Bond's Lane, Adlington (Appeal A) and BNE3.8 Between Bradley Lane and Parr Lane, Ecclestone (Appeal B).

- 3.14. Policy BNE3 makes clear that land allocated as safeguarded is needed for potential future development needs beyond the Plan period (i.e., after 2026). Development other than that permissible in the countryside (whether Green Belt or Area of Other Open Countryside) will not be permitted on Safeguarded Land within the Plan period. Planning permission for the permanent development of

Safeguarded Land will only be granted following a Local Plan Review (as described above).

3.15. This restrictive nature of BNE3 was fully taken into account by the Inspector who examined the Chorley Local Plan (CD 6.12), and considered safeguarded land in detail, stating that “***These sites serve an important planning purpose of ensuring the longevity of the Green Belt boundaries***” (paragraph 102). It is clear from the Inspector’s Report that representations were made to the Examination which argued that the proposed policy would be too restrictive (particularly in light of a shortfall in housing supply) and that the policy should be amended. The Inspector notes at paragraph 168 of her Report: “*The policy [BNE3] has been criticised for being inflexible by not permitting the early release of safeguarded land, for contingency, if needed to ensure an adequate housing land supply during this Plan period. However, as I have concluded in Issues 3 and 5, the Plan provides an adequate supply of housing and employment land. Furthermore, **providing early release flexibility within policy BNE3 would be inconsistent with paragraph 85 of the Framework, and would make the policy unsound.***”² (my emphasis).

3.16. Policy BNE3 is clearly fully consistent with NPPF paragraph 143 where the policy makes it clear that development is not permitted on Safeguarded Land and that planning permission for the permanent development of Safeguarded Land will only be granted following a Local Plan Review.

Previous Applications on Safeguarded Land

3.17. The appeal cases are not the only applications to be received by the Council on land that is safeguarded.

3.18. In 2013 a full application for residential development of 14no. houses south west of Appenzell, Babylon Lane, Heath Charnock was refused (12/00895/FULMAJ). An appeal against the decision was also dismissed (APP/D2320/A/13/2196354).

3.19. In 2016 an outline application for 165 dwellings on land at Pear Tree Lane Euxton was refused (16/00489/OUTMAJ). This application was appealed, and the appeal dismissed in 2017 (APP/D2320/W/17/3173275).

² The Inspector refers to paragraph 85 of the 2012 NPPF – this paragraph is now paragraph 143 in the 2021 NPPF.

- 3.20. In 2017 an outline application for the erection of up to 33 dwelling houses and the provision of community allotments at Land South of Parr Lane, Eccleston was refused (17/00792/OUTMAJ). This site was the subject of a further application in 2020 (20/01193/OUTMAJ) which is the subject of this appeal (Appeal B).
- 3.21. In 2018 an outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road, Adlington was refused by the Council (17/00411/OUTMAJ). A resubmission of this application was refused later that year (18/00863/OUTMAJ). This decision was appealed and the appeal, reference APP/D2320/W/19/3228123, was dismissed. This site was the subject of a further application in 2020 which is the subject of this appeal (Appeal A).
- 3.22. In 2019 an outline application for erection of up to 180 dwellings on land at Pear Tree Lane Euxton was refused (19/00654/OUTMAJ). This application was appealed, and the appeal allowed (APP/D2320/W/20/3247136) ("Pear Tree Lane 2").
- 3.23. Notably, since the Pear Tree Lane 2 appeal was allowed a further 11 applications to develop on Safeguarded Land have been received in very short succession.

List of recent applications on Safeguarded Land

Application ref.	Location	Proposals	Status
20/01200/OUTMAJ	Land At Carrington Road Adlington	Outline application (specifying the access point) for the development of up to 25 dwellings	Refused 13 April 2021, Appeal A
20/01399/OUTMAJ	Blainscough Hall, Coppull	Outline planning application for the erection of up to 123 dwellings	Refused 13 April 2021. APP/D2320/W/21/3275 691 (Inquiry held 4 th October 2021 – 14 th October 2021 – Decision pending)
20/01085/OUTMAJ	Land At Tincklers Lane, Eccleston	Outline application for the construction of up to 15no. dwellings	Refused 13 April 2021

20/01331/OUTMAJ	Land at Tincklers Lane, Eccleston	Outline planning application for the construction of up to 80 dwellings	Refused 13 April 2021 APP/D2320/W/21/3272 310 (conjoined inquiry with APP/D2320/W/21/3272 314. Held 17 th – 27 th August decision pending)
20/01193/OUTMAJ	Land South of Parr Lane, Eccleston	Outline planning application for up to 34 dwellings	Refused 13 April 2021, Appeal B.
20/01347/OUTMAJ	Land at Town Lane, Whittle-le-Woods	Outline planning application for the construction of up to 250 dwellings	Refused 13 April 2021 APP/D2320/W/21/3272 314 (conjoined inquiry with APP/D2320/W/21/3272 310. Held 17 th – 27 th August decision pending)
21/00270/FULMAJ	Babylon Lane, Heath Charnock	Full application for the proposed development of 40 dwellings	Pending decision
21/00253/OUT	Land 150M North East Of 31 Paradise Street Chorley	Outline application (with all matters reserved) for residential development of up to 130 dwellings (including 35% affordable housing)	Pending decision
21/01076/FULMAJ	Land 53M West of Belvedere 31	Full application for Demolition of existing dwelling and erection of 67no. dwellings	Pending decision

	Darlington Street Coppull	(including 30% affordable housing) with associated access, car parking and landscaping.	
21/01402/OUTMAJ	Land South of Parr Lane, Eccleston	(Resubmission of 20/01193/OUTMAJ) Outline planning application for up to 34 dwellings	Pending decision (same site as Appeal B)
20/01202/PIP	Vacant Land Off Hill Top Lane, Whittle-le-Woods	Permission in principle application for the erection of up to 2no. dwellings	Refused 09 March 2021

3.24. These eleven applications total 766 units³ being sought on safeguarded land.

3.25. It is not an exaggeration to suggest that the decision at Pear Tree Lane 2 has opened the floodgates to applications on Safeguarded Land.

3.26. As each application (and appeal) is considered in isolation, there is a clear risk that the impact and implications of the scale of the loss of the Safeguarded Land is not being properly considered. Releasing Safeguarded Land now (during the Plan period), and outside of the Plan-led process is clearly contrary to both Development Plan policy BNE3 and NPPF paragraph 143, and to the plan-led system.

3.27. Firstly, the conflict with paragraph 143 applies to each and every Safeguarded Land site individually and together. Allowing development of one Safeguarded Land site means setting aside a conflict with this important, and longstanding element of national planning policy (NPPF, paragraph 143).

3.28. Secondly, releasing Safeguarded Land at such a scale means that both the potential for, and amount of, Green Belt that will be under pressure for development

³ 766 units excludes the 34 no. dwellings subject of 21/01402/OUTMAJ as this is the same site as Appeal B so excluded to avoid double counting.

through the emerging Local Plan will increase. The relative performance of the appeal sites and other safeguarded sites in environmental, social, and economic terms should properly form part of the Local Plan review site identification and selection process. This assessment should be carried out in a comprehensive way across the integrated housing market area which covers Chorley, Preston and South Ribble (and which was reflected in the preparation of the adopted Central Lancashire Core Strategy). It should not be carried out in a piecemeal way through the development management process.

3.29. For the avoidance of doubt, the Council does not advance a prematurity objection to the Appeal Schemes (and no such allegation appears in its reasons for refusal), in relation to paragraphs 49 and 50 of the NPPF. Rather, its case is that the release of Safeguarded Land for development should be Plan-led (as clearly intended by national and local policy). The Council is concerned that the release of the Appeal Sites along with other areas of Safeguarded Land outside of the Local Plan process (and in breach of local plan and national policy), undermines the Plan-led process.

3.30. Paragraph 143 of the NPPF is the relevant and specific policy for judging the effect on the plan-led process in this case, given its focus on Safeguarded Land, rather than the more general paragraphs 49 and 50. Paragraph 143 (d) is clear that *“Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;”* (CD5.1).

Emerging Local Plan and Evidence Documents

3.31. The current Central Lancashire Core Strategy was adopted in 2012, and covers the three authority areas of Chorley, Preston and South Ribble. The Core Strategy is supplemented by three Local Plans, one for each of the authority areas⁴. In line with the need to keep planning policies under review the Central Lancashire Authorities have been working together to review the adopted Plans, and to prepare a Central Lancashire Local Plan (CLLP).

3.32. It is useful to set out here a chronology of the plan making collaboration of the Central Lancashire authorities, in particular with regards to establishing the housing requirement and distribution of housing need across the Core Strategy area. This

⁴ All adopted in 2015.

informs the approach to be taken in identifying the 5 Year Housing Land Supply for Chorley and reflects the specific local circumstances of Central Lancashire and of each Council area.

Strategic Housing Market Assessment (2017) (CD6.20)

- 3.33. In 2017, the Central Lancashire authorities, jointly commissioned the preparation of a Central Lancashire Strategic Housing Market Assessment (SHMA) (CD 6.20)⁵ to provide an evidence base which would allow the authorities to consider whether the housing requirements in the Core Strategy should be reviewed. The SHMA identified Central Lancashire as an area which functions as one integrated local economy and travel to work area, as well as one single Housing Market Area (HMA), with self-containment for commuting of 71-74% and for migration of 82-83% (SHMA 2017, Section 2).
- 3.34. The SHMA identified a single Objectively Assessed Need (OAN) figure for the whole plan area, and OAN figures expressed as a range for each authority. The report suggests greater emphasis should be placed on the HMA level conclusions (in line with national policy at the time) which emphasised that an assessment of OAN should be carried out at an HMA level.
- 3.35. The SHMA produced an overall housing need figure and distribution which broadly reflected the level and distribution of housing set out within adopted Policy 4: Housing Delivery of the Core Strategy. The overall level of OAN for the whole plan area identified in the 2017 SHMA exceeded the figure within Policy 4 by 20 dwellings per annum (1,361 in the SHMA vs 1,341 in CS Policy 4).

Memorandum of Understanding (2017) (MOU1, CD6.9)

- 3.36. In September 2017, following the completion of the Central Lancashire SHMA, a Memorandum of Understanding (MOU1) (CD 6.9) was entered into by Chorley Council with Preston Council and South Ribble Council in relation to the distribution of housing evidenced by the SHMA, prior to the adoption of a new Local Plan. **Given that the overall level of objectively assessed housing need in Central Lancashire was not found to be radically dissimilar to the housing requirements of Core Strategy Policy 4 (20 dwellings per annum extra in the OAN), the Councils agreed to a continuation of the use of the Policy 4 housing**

⁵ Published in September 2017

requirement and distribution in advance of the adoption of a new Local Plan, as set out in MOU1. (my emphasis). This is an entirely reasonable position.

3.37. This review of Core Strategy Policy 4 took place within the last five years (September 2017), and therefore is a review of a strategic housing policy under Footnote 39 of NPPF paragraph 74. The Council considers this review to remain relevant. **Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation** (my emphasis).

Central Lancashire Local Plan

3.38. In 2018 the Councils agreed to work together to review the Core Strategy and the individual Local Plans, with the aim of producing a single Central Lancashire Local Plan, reflecting the shared strategic policy objectives and more detailed non-strategic policies. A dedicated Central Lancashire Team was established to work on the Plan. Work commenced with a call for sites.

Revised NPPF and new standard method (2018)

3.39. In July 2018, the NPPF was revised. As part of these revisions a new standard method for calculating local housing need was introduced.

3.40. NPPF (CD 5.1, Paragraph 61⁶) sets out that in order to determine the minimum number of homes needed for a Council, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. The standard method consists of 3 steps:

3.41. The starting point in considering housing need against the standard method is to establish a demographic baseline of household growth. This baseline is drawn from the 2014-based Household Projections and should be the annual average household growth over a ten-year period.

⁶ This was paragraph 60 in the 2018 NPPF, no change to the text has taken place between the 2018 and 2021 versions.

3.42. The second step of the standard method is to consider the application of an uplift on the demographic baseline, to take account of market signals. The adjustment increases the housing need where the house price to income ratio is above 4⁷.

3.43. The third and final step of the standard method is to consider the application of a cap on any increase and ensure that the figure which arises through the first two steps does not exceed a level which can be delivered.

Central Lancashire Housing Study (2020) (CD6.21)

3.44. To provide an evidence base to the Central Lancashire Local Plan, the Councils jointly commissioned the preparation of a Central Lancashire Housing Study in April 2019, to take into account changes to national policy (NPPF revised in 2018 and to consider the new standard method) following the publication of the 2017 SHMA (CD6.20) and advise on the implications of the standard method on the housing need, the local housing need and appropriate distribution of housing need in Central Lancashire.

3.45. It is important to note here that the latest version of NPPF (2021) (CD5.1) and the Planning Practice Guidance (PPG) (CD5.9) still support the production of joint Plans and the commissioning of joint evidence. Para 005 (Reference ID 61-005-20190315) of the PPG plan making section notes that joint plans “[...] can be an effective way of planning for an area’s strategic priorities, addressing cross-boundary issues through the duty to cooperate”.

3.46. The Central Lancashire Housing Study (CD6.21) shows that applying the standard methodology results in the following need (at the time of writing):

Standard Methodology Central Lancashire Housing Distribution (Table 4.13 from the Housing Study)

Central Lancashire	Chorley	Preston	South Ribble	Total
Local Housing Need (dpa)	579	241	206	1,026
% of HMA need	57%	23%	20%	100%

⁷In Chorley the ratio was 6.6, for South Ribble it is 6.5, and for Preston, 5.2 (CD6.21, Table 3.2).

- 3.47. Firstly, it can be seen from this table that the total Local Housing Need (dpa) for Central Lancashire as a whole is lower than the annual Core Strategy housing requirement (1,206 dpa using the standard method versus 1,341 in Core Strategy Policy 4).
- 3.48. Secondly, the housing distribution across Central Lancashire shown in Table 4.13 is quite different from the Core Strategy housing distribution. As demonstrated in the table above the standard method focuses 57% of the HMA's total housing provision in Chorley; with only 23% in Preston and 20% in South Ribble. This is significantly at odds with the distribution of people, jobs, services and national planning constraints in these areas (as detailed further in the Housing Study and summarised in Table 4.12 below). It is also at odds with the distribution set out in the Core Strategy, and reflected in Chorley Local Plan, which take account of these local circumstances.
- 3.49. The standard method calculation is particularly influenced by the level of development in different areas between 2009-14, the core period for which the 2014-based Population Projections were derived. Over this period, 60% of the HMA's completions were in Chorley and just 16% in Preston. During this period there were particular infrastructure constraints to development in Preston and South Ribble, and successful delivery of a key strategic site in Chorley (Buckshaw Village). This has quite evidently fed through to the demographic baseline in the standard method figures. Forward planning on the basis of these figures would perpetuate the distribution of development seen over this five-year period in which there were particular constraints to development in Preston and South Ribble which funding for major strategic infrastructure is now addressing. The more recent distribution of development in Central Lancashire (Iceni Table 4.6 of CD 6.21) has been notably different.
- 3.50. The Central Lancashire Housing Study (CD 6.21) goes on to consider the most appropriate distribution of housing need across the HMA. Looking at a range of factors, the report recommends that only 27.5% of the HMA's needs should be apportioned to Chorley Borough (the equivalent of 282 dwellings per year). The table below (Table 4.12 from the Housing Study) sets out the variables that influenced the recommended split between the authorities.

Recommended Distribution for Central Lancashire (Table 4.12 from the Housing Study)

Variable	Chorley	Preston	South Ribble
Jobs distribution	22%	48%	30%
Population distribution	32%	38%	34%
Affordability distribution	36%	28%	36%
Workforce distribution	32%	38%	30%
Nominal urban capacity	18%	42%	40%
Existing spatial strategy	30%	40%	30%
Land not subject to national constraints	20%	86%	33%
Recommended distribution	27.5%	40%	32.5%
Annual dwelling need	282	410	334

3.51. The justification from the Housing Study (CD 6.21) paragraphs 4.53 – 4.55 state that *“the highest proportion is distributed to Preston (40%) recognising that this is the higher order centre within the sub-region with the greatest range of services and employment opportunities. It is also subject to the lowest proportion of nationally significant development constraints. Chorley sees the lowest proportion at 27.5% reflecting that it has a lower level of employment opportunities than other areas, more limited urban capacity, and a significant level of nationally significant development constraints, in particular Green Belt. South Ribble sees a distribution (32.5%) which is slightly above the current proportion of employment but sits between this and the current population base and slightly above that in Chorley reflecting the lower proportion of land subject to nationally significant constraints and higher level of urban capacity. Preston and South Ribble also have a greater affordable housing need.”*

3.52. It is interesting to note that there are no variables set out in this table that approach anywhere near the distribution of 57% of the need of the HMA to Chorley identified through the standard method calculation, which provides further justification for the adoption of a distribution that is not aligned to the standard method for assessing local housing need, and instead reflects the particular distribution of population, employment opportunities, and national land use constraints across Central Lancashire including Green Belt.

**Central Lancashire Local Plan (CLLP) Issues & Options Consultation (2019)
(CD6.6)**

- 3.53. The Central Lancashire Councils published the Issues and Options Consultation Paper of the CLLP in 2019. The consultation ran for 12 weeks from Monday 18th November 2019 until Friday 14th February 2020. The Issues and Options Document was supported by a series of detailed Annexes, including information on the site suggestions received for each of the three Councils.
- 3.54. Both appeal sites are suggested for residential development in the emerging Local Plan Issues and Options Document Annex 1, however their allocation is not proposed at this stage. The Council will be reviewing all proposed land releases through the Local Plan process, and each site will be subject to evaluation against the emerging suite of evidence to support a robust local plan for the next 15-20 years.
- 3.55. Over 1,600 responses to this consultation were received, which have been logged and reviewed by the Central Lancashire Local Plan team. The responses received have been used in the preparation of a consultation outcomes report (Sept 2020, CD6.45), and will be used to help develop the Preferred Options Document.
- 3.56. The Preferred Options consultation is due to commence in September 2022, with Adoption expected in December 2023.
- 3.57. The Emerging Plan is at an early stage and can be afforded only limited weight in decision making.

**Joint Memorandum of Understanding and Statement of Co-operation (MOU2)
(2019-2020) (CD6.10)**

- 3.58. Alongside the consultation on the Issues & Options version of the emerging joint Local Plan, the three Councils consulted on a revised Joint Memorandum of Understanding and Statement of Co-operation (MOU2) between November 2019 and January 2020. This document was finalised and signed in April 2020 (CD6.30). A revised version of the MOU2 was signed in May 2020 (CD6.10). MOU2 sets out that the authorities have agreed a distribution of the minimum number of homes in accordance with the recommendations of the Housing Study as the appropriate

basis for the emerging joint Local Plan with 40% for Preston (404 units per annum), 32.5% for South Ribble (328 units per annum) and 27.5% for Chorley (278 units per annum), which provided a total of 1,010 units per annum for the plan area. This is a decrease of 331 units per annum throughout the whole plan area compared to the 1,341 units per annum as per Policy 4 of the CLCS.

3.59. In light of the Pear Tree Lane decision (to be discussed in Chapter 4), Chorley Council does not place reliance on MOU2 as a basis for calculating its housing land supply. Neither do the two other Central Lancashire Authorities. MOU2 was found to attract limited weight (through the Pear Tree Lane and Cardwell Farm decisions). In the Housing Land Supply Statement of Common Ground (CD10.4), all parties agree that MOU2 is now defunct.

Preparation of the CLLP, Safeguarded Land and the Need for Green Belt Release

3.60. Over half (50.2%) of Central Lancashire is designated as Green Belt, with Chorley having the highest proportion of land covered by the designation (approximately 72% of the borough).

3.61. The considered approach to establishing future housing requirements, and importantly for Central Lancashire the distribution of these, through the plan making process is at risk of being substantially undermined by ad hoc decisions being taken through development management.

3.62. There are a limited number of sites suitable for development outside the Green Belt in Chorley. A large proportion of these sites are designated as Safeguarded Land for Future Development (under Policy BNE3). The proposed distribution of housing needs the Central Lancashire Housing Study partly reflects the need to focus development in urban areas (such as Preston) to reduce pressure on the Green Belt (which is largely present in Chorley). Indeed, this is one of the five purposes of the Green Belt designation set out in the NPPF (CD5.1) (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

3.63. As discussed earlier in this chapter there is limited land available for development in Chorley outside the Green Belt. Developing Chorley's Safeguarded Land now, ahead of its potential release through the Plan making process, increases the

likelihood of, and the scale of, Green Belt release having to be made through the joint Local Plan. I consider that the permanence of the Green Belt is undermined.

3.64. There is a real risk that individual development management decisions, taken independently, could collectively undermine the emerging spatial distribution being developed as part of the new joint Local Plan. The consequences of this are particularly significant in this joint planning area where Chorley is substantially constrained by Green Belt.

4. Housing Delivery and Five-Year Land Supply

Introduction

- 4.1. Paragraph 74 of NPPF (2021) (CD5.1) states that Local Planning authorities need to maintain a supply of deliverable sites sufficient to provide a minimum five year land supply: *“Local Planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”*. Footnote 39 states *“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance”*.
- 4.2. Paragraph 74 further states that the supply of specific deliverable sites should in addition include a buffer of 5%, 10% or 20%. As covered in the Statement of Common Ground on the five-year housing land supply (CD10.4), the Council and appellants agree that a 5% buffer should be applied to the housing requirement in line with paragraph 74 of NPPF.
- 4.3. PPG on Housing Supply and Delivery (CD5.5) provides additional guidance on the supply and delivery of housing and how this should be determined in line with NPPF.
- 4.4. PPG on Housing Supply and Delivery notes that *“housing requirement figures identified in adopted strategic housing policies **should** be used for calculating the 5-year housing land supply figure where: the plan was adopted in the last 5 years, or the strategic housing policies have been reviewed within the last 5 years and found not to need updating”* (paragraph 005 Reference ID:68-005-20190722, my emphasis). This is the case in Chorley.

Past Housing Delivery in Chorley (2010-2021)

- 4.5. The current adopted housing requirement for Chorley is set in Policy 4: Housing Delivery of the Central Lancashire Core Strategy (CD6.1). This policy sets a minimum housing requirement for Chorley for the period 2010 – 2026 of 417 units per year. As shown in Table 4.1 below from Chorley’s Housing Land Monitoring Report from April 2021 (Table 1, CD6.23), in every monitoring year of the plan

period from 2010 until 2020 the Council has delivered net dwellings in excess of this requirement.

Chorley Net Housing Delivery 2010-2021

Year (April – March)	Net Dwellings completed	Requirement	Surplus/Deficit during the year
2010 - 2011	527	417	110
2011 – 2012	552	417	135
2012 – 2013	638	417	221
2013 - 2014	582	417	165
2014 - 2015	723	417	306
2015 - 2016	597	417	180
2016 - 2017	517	417	100
2017 - 2018	661	417	244
2018 - 2019	573	417	156
2019 - 2020	640	417	223
2020 - 2021	306	417	-111
Total	6,316	4,587	1,567⁸

4.6. The above record of delivery shows the Council has consistently exceeded past identified housing requirements. This level of performance has resulted in a significant surplus against the requirement set in Policy 4 of the Core Strategy.

4.7. Indeed, this pattern of delivery was anticipated in the Local Plan housing trajectory. Table 1 of the Chorley Local Plan (CD6.2) identifies projected completions in excess of the 417-unit requirement through the earlier years of the plan (2012/13 – 2019/20) with projected completions tailing off towards the end of the plan period, where fewer units were then required to meet the overall targets for the plan period. The Council’s Note on Housing Supply (Appendix A) provides further detail on the delivery over the plan period compared to the housing trajectory set out in Table 1 of the Chorley Local Plan (CD6.2).

4.8. The level of oversupply in Chorley can partly be attributed to development at Buckshaw Village which is a strategic development allocation involving the

⁸ The total cumulative surplus/deficit figure includes allowance for the 162 dwelling prior under provision (pre 2010) which needed to be made up over the Plan period.

redevelopment of a former Royal Ordnance munitions factory. Its delivery has resulted in significant development in Chorley and has had a notable impact on overall housing completions; however, the build out of this site is now reaching completion. Almost a third (31% of total) of completions came through development at Buckshaw Village – the highest of any settlement.

The Council's current 5 Year Land Supply Position

4.9. The Council's latest 5 Year Land Supply Statement (May 2021) (CD6.15) concludes that there is sufficient land available across the Borough to demonstrate a 14.4-year land supply. As set out in the Statement of Common Ground on Housing Land Supply (CD10.4), the Council's current assessment amounts to 13.8 years' worth of supply. This section of my proof will break down the calculation and provide commentary on the appropriateness of the Council's methodology and conclusions. First, I consider the Housing Requirement.

Housing Requirement for calculating the 5 Year Land Supply

4.10. Paragraph 74 and Footnote 39 of the 2021 NPPF make clear that where strategic policies are more than 5 years old authorities should identify a 5-year housing land supply against their Local Housing Need (established via the standard methodology), unless the strategic policies have been reviewed and found not to require updating.

4.11. As noted previously, a Footnote 39 review has taken place through the 2017 SHMA (CD6.20) and MOU1 (CD6.9). This comprehensive evidence-based review found that the housing requirement set by Policy 4 of the Core Strategy (CD6.1) should continue to be used until the adoption of a new Local Plan. This is therefore used as the requirement for calculating the Council's 5 Year Housing Land Supply.

4.12. There have been a number of appeal decisions since 2017 across Chorley, Preston and South Ribble, some of which have supported this approach and others not. I set out below a summary of these decisions.

Pear Tree Lane 1 (2017) (CD8.20)

4.13. In October 2017, Chorley Council defended an appeal against a refusal to grant outline permission for up to 165 dwellings on Land at Pear Tree Lane, Euxton (APPD2320/W/17/3173275) (CD8.20). The main issues at this appeal were whether the relevant development plan policies were up to date having regard to the current

5-year housing land supply and relevant national policy and whether this or any other factor would justify development of Safeguarded Land at this time.

4.14. The Council relied on the basis of the apportionment in the Core Strategy Policy 4 (as reflected in MOU1) as the correct approach to identifying housing requirements, whereas the appellant suggested alternative requirement figures based on their analysis of an appropriate objectively assessed need (OAN) for the area.

4.15. The Inspector concluded that use of MOU1 for the requirement was acceptable and on this basis the Council could demonstrate a five year land supply. It was also found that *“the release of the site [safeguarded land] within the plan period, when the Framework explicitly directs otherwise, would quite clearly fail to comply with the core principle of the Framework that planning be genuinely plan-led. I therefore attribute very substantial weight to the conflict with the development plan in the planning balance”* (paragraph 39).

Chain House Lane (2019) (CD8.2)

4.16. In November 2019, South Ribble Council defended an appeal against a refusal to grant outline permission for up to 100 dwellings with access and associated works at Land to the South of Chain House Lane, Whitestake, Preston (APP/F2360/W/19/3234070) (CD8.2).

4.17. South Ribble Council were advocating the use of the standard method as the housing requirement⁹ and the appellant was advocating the continued use of Policy 4 (relying on MOU1). The dispute between the parties in relation to the housing requirement principally revolved around whether the publication of the MOU in 2017 constituted a review for the purposes of footnote 39 to paragraph 74 of the Framework.

4.18. The Inspector concluded that MOU1 did not constitute a review for the purposes of paragraph 74 and footnote 39, and that the standard method should be used. The appeal was dismissed.

⁹ Which provided them with a much lower housing requirement than the adopted policy 4 or the requirement identified under the MOU1.

4.19. However, the appeal decision was the subject of a legal challenge by the developer on five grounds. The Secretary of State conceded that the appeal decision was legally flawed in respect of a single ground and should be quashed (ground 5)¹⁰

4.20. The High Court Judgment (CD8.13) issued on 21 August 2020 ruled that the appeal decision should be quashed on ground 5. Ground 1¹¹ also succeeded, but the Judge held that ground 3¹² (which failed) also had to succeed for the decision to be quashed on ground 1. The consequence of this judgement was that the appeal needed to be redetermined (outcome discussed further below).

Pear Tree Lane 2 (2020) (CD8.1)

4.21. In June 2020, Chorley Council defended another appeal against refusal of permission for a development of up to 180 dwellings on land at Pear Tree Lane, Euxton (APP/D2320/W/20/3247136) (CD8.1). This appeal was a resubmission of the appeal scheme refused in 2017 discussed above.

4.22. Again, the main issues identified by the Inspector were whether the Council could demonstrate a 5-year supply of housing land, whether the most important policies for determining the appeal were out of date, having particular regard to the 5 year housing land supply position and relevant national policy, and whether any other material consideration, would justify the proposed development on Safeguarded Land at the time. Neither party was advocating the use of the Core Strategy 4 figure.

4.23. At this appeal the Council sought to rely on MOU 2 in the calculation of the five-year land supply on the basis that this approach was based on the local housing need identified using the standard method, albeit redistributed across the housing market area. The appellant was advocating the use of the standard method with no reference to the housing market area.

4.24. The Inspector concluded that the solus standard method figure should be used for the purposes of calculating the five-year land supply for that appeal as *"[...] Whilst MOU2 was the subject of consultation, it is evident that there are significant and*

¹⁰ In using the standard method, the distributional consequences which would arise across the Central Lancashire housing market area would render Local Plan Policy G3 out of date

¹¹ The Inspector fell into error in concluding on the basis of the material before her, that the MOU and the processes which proceeded it did not amount to a review under footnote 37 of the Framework

¹² The Inspector's conclusions in paragraphs 26-28 in relation to whether or not a significant change had occurred in the context of the PPG

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’.

Cardwell Farm Appeal (2021) (CD8.4)

- 4.25. In February 2021, Preston City Council defended an appeal against a refusal to grant outline planning permission for up to 151 dwellings and community buildings with associated works (access only) at land at Cardwell Farm, Garstang Road, Barton, Preston (APP/N2345/W/20/3258889) (CD8.4). One of the main issues at the appeal was whether the Council could demonstrate a five-year supply of deliverable housing sites, having particular regard to the housing need or requirement for Preston.
- 4.26. Preston were advocating the use of the local housing need identified using the standard method as the housing requirement¹³ whereas the appellant was advocating continued use of Policy 4 (as reviewed through MOU1). Both Preston Council and the appellant agreed that the 2017 MOU1 was a “footnote 37 review”.
- 4.27. The Inspector agreed with the parties that the 2017 MOU1 was a “footnote 37 review” and concluded that this should be the basis for calculating the 5-year land supply for this appeal. The Inspector noted the findings of his colleague at Pear Tree Lane 2 (paragraph 41) and was cognisant of the fact that his conclusions resulted “*in potential inconsistencies in considering housing supply across the Central Lancashire local plan area having regard to the conclusions of the Pear Tree Lane Inspector who went with the LHN figure. But as explained earlier he was considering different arguments which did not include whether a Footnote 37 review had been undertaken. His decision precedes the Chain House Lane judgement. If it had been put to him that a Footnote 37 review had been undertaken and that the CLCS housing requirement should be used, he may have come to a different decision.*”

¹³ Which provided them with a much lower housing requirement than the adopted policy 4 or the requirement identified under the MOU1

Chain House Lane 2 (2021) (CD8.3)

- 4.28. Following the legal challenge to the decision on the original Chain House Lane appeal, and the Judgement of the High Court (CD8.13), a re-run appeal was held in 2021. The appeal was dismissed (CD8.3).
- 4.29. The main issues were whether South Ribble could demonstrate a 5-year land supply and whether the proposed development would prejudice the Council's ability to manage the comprehensive development of the wider area of Safeguarded Land within which the appeal site is located.
- 4.30. South Ribble were advocating the use of the solus local housing need identified using the standard method to calculate the 5-year land supply whereas the appellant was advocating continued used of Policy 4 (as reviewed through MOU1).
- 4.31. The Inspector found that *"for the purposes of this appeal, it is appropriate to calculate the housing requirement against LHN using the SM due to the significant difference between the LHN figure and that of policy 4(a) amounting to a significant change in circumstances which renders policy 4(a) out of date."*

Housing Requirement for calculating the 5 Year Land Supply – Consideration of Chain House Lane 2 Decision

- 4.32. The Council has considered the latest Chain House Lane decision carefully. It is accepted that it is a material consideration in these appeals (as are all the other appeal decisions referred to above). However, the Council's view remains that Core Strategy Policy 4, was found to be sound and consistent with the NPPF when adopted as part of the Core Strategy in 2012. Subsequently, a review in accordance with paragraph 74 of NPPF and footnote 39 took place in 2017 through MOU1 (September 2017), and Core Strategy Policy 4 has therefore been reviewed within the last five years. The Council considers this review to remain relevant. Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation. Chorley has a Five-Year Housing Land Supply (CD6.15, and Core Strategy Policy 4 is therefore up to date in this regard.
- 4.33. It is the Council's view that the standard method is not an appropriate basis for calculating five-year housing land supply for Chorley. The standard method formula

is based on household projections (2014 based), with an adjustment for affordability. The standard method takes no account of any previous over or under delivery against existing Local Plan housing requirements. Therefore, Councils that have significant previous over delivery, such as Chorley, can be negatively affected. This is a particular issue in areas subject to a joint Plan, such as Central Lancashire.

4.34. As shown above, Chorley has significantly over delivered housing since the start of the plan period in 2010, with a surplus of 1,567 dwellings over the Core Strategy requirement of 417 dwellings a year at 1st April 2021.

4.35. The majority of Chorley’s Local Plan housing allocations have now been completed with delivery having been frontloaded. It is anticipated that development levels will be lower during the last 5 years of the plan period, but the Core Strategy target will be exceeded overall.

4.36. The planned high levels of delivery in the earlier years of the Plan period have fed into the household projections used to calculate the standard method and resulted in a standard method requirement which is significantly higher than the current Core Strategy target with no account being taken of the significant level of oversupply.

4.37. Chorley is a relatively small rural district Council which has a standard method housing requirement comparable to Councils including Bury, Cheshire West and Chester and Sefton which have far greater populations. It is also the only local authority in Lancashire to see an increase in its housing requirement under the standard method. This is due to the significant housing delivery that has taken place in the borough since the start of the plan period in 2010 (Appendix A refers).

4.38. The table below sets out the Core Strategy housing requirements for the three Central Lancashire authorities along with the current standard method housing requirement for each.

Housing targets Core Strategy vs. Standard Method

Local Authority	Core Strategy Housing Requirement	Standard Method Housing Requirement
Chorley	417	537

Preston	507	261
South Ribble	417	182

4.39. Whilst Chorley has significantly over delivered against its Core Strategy housing requirement since the start of the plan period in 2010, Preston and South Ribble have significantly under delivered. As a result, applying the standard method gives a very unbalanced situation in Central Lancashire. The standard method directs further high levels of development to Chorley, which has already provided for the wider housing market area in the earlier years of the Core Strategy, and very little development to Preston and South Ribble in comparison.

4.40. Furthermore, Preston and South Ribble have a city deal package in place. The Preston, South Ribble and Lancashire City Deal is an agreement between the Government and four local partners – Lancashire County Council, Lancashire Enterprise Partnership (LEP); Preston City Council and South Ribble Borough Council. The City Deal aims to address strategic transport infrastructure and development challenges to deliver new jobs and housing; with a focus on supporting the delivery of housing identified in the Core Strategy. The City Deal partners committed to establishing an Infrastructure Delivery Programme and an Investment Fund; which together are worth £434m. The Infrastructure Delivery Programme alone, at £334m, is enabling the delivery of four major highway schemes which will support significant housing growth. This strategic infrastructure is inherently linked to housing growth identified in the Core Strategy which focusses on Preston and South Ribble.

4.41. Again, as previously noted, the Central Lancashire Housing Study (March 2020) (CD6.21) assessed housing need within Central Lancashire and identified how it should be appropriately distributed taking account of the distribution of jobs, population, workforce, affordability, previous delivery, national land use constraints and land availability. It concluded that the majority of housing development should be directed to Preston, followed by South Ribble then Chorley. The solus standard method calculations for each authority are at odds with the current Core Strategy distribution and at odds with the emerging evidence for the new joint Local Plan, the CLLP (the proposed distribution within the Housing Study).

4.42. Chorley has successfully delivered its planned housing requirement since 2010, which has followed the planned trajectory set out in the joint Core Strategy and Chorley Local Plan.

Conclusion on Policy 4 Housing Requirement and Locally Specific Factors

4.43. In addition to the clear requirement of national policy and the PPG to use the Core Strategy Policy 4 figures (as endorsed by the MOU1 review), the Council highlights the following factors:

- (i) application of the standard method alone¹⁴ for Chorley means that it is expected to accommodate 57% of Central Lancashire's housing for the next 5 years. This level of provision fails to reflect relevant factors in respect of the distribution of housing need (e.g. the existing distribution of population, workforce, jobs, affordability or national land use and environmental constraints including Green Belt);
- (ii) the standard method figures are largely a product of housing delivery in 2009 to 2014 during which period delivery in Chorley was particularly strong (as compared with Preston and South Ribble). The fact that Chorley delivered around 60% of Central Lancashire's housing from 2009 to 2014 provides no rational justification for requiring Chorley to deliver almost 60% of Central Lancashire's housing from 2021 to 2026;
- (iii) that is particularly so given the strong delivery in the early part of the Plan period with decreasing delivery in the later part of the Plan period was precisely what was anticipated in the Development Plan,
- (iv) application of the solus standard method figure for Chorley fails to reflect the spatial strategy of the Development Plan (including the timing of its delivery). Policy 1 of the Core Strategy is up to date, and,
- (v) application of the solus standard method figure for Chorley generates a significant risk to safeguarded land.

Buffer

4.44. Paragraph 74 of the Framework states that there should be an additional buffer (moved forward from later in the plan period) of:

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

¹⁴ Also known as the solus standard method

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

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

4.45. The Government has introduced the Housing Delivery Test which is an annual measurement of housing delivery in the area and is a percentage measurement of the number of net homes delivered against the number of homes required over a rolling three-year period. The latest Housing Delivery Test for Chorley is set out in the table below.

Chorley Housing Delivery Test

Monitoring period	Total number of homes required	Total net homes delivered	Housing Delivery Test Measurement
2017/18	494	661	
2018/19	603	573	
2019/20	530	640	
Total	1,627	1,874	115%

4.46. The Housing Delivery Test identifies that there has been over delivery in the past three years therefore a 5% buffer should be applied to the five-year requirement. The 5% buffer has been agreed with the appellants through the SoCG for Housing Land Supply (CD10.4).

Consideration of Oversupply

4.47. I now turn to consider how oversupply should be taken into account in calculating the 5 Year Housing Land Supply.

4.48. As identified above, at paragraph 4.5 and in the accompanying table, since the beginning of the Plan period Chorley Council has consistently delivered in excess of its adopted housing targets.

- 4.49. I fully acknowledge that the housing targets set in the Core Strategy are minimum requirements. However, I do not consider that limitless housing delivery constitutes sustainable development. This is particularly the case in a Borough which is part of a joint Housing Market Area and subject to a joint Plan.
- 4.50. The purpose of calculating a 5-year land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next five years (NPPG, CD5.1 Paragraph: 003 Reference ID: 68-003-20190722). The identified needs of the area are established through the adopted housing requirements.
- 4.51. Thus far in the Plan period Chorley has over delivered by 1,567. The obvious corollary of that is that the authority does not need to continue to deliver over 417 dwellings per annum for the remainder of the plan period (up to 2026) in order to successfully meet the needs of the area over the Plan period, as set out in Core Strategy Policy 4.
- 4.52. I consider that the excess housing delivered in Chorley since 2010 should not be disregarded but should rightly be taken into account as part of the 5 year land supply calculation.
- 4.53. National policy and guidance on Housing Supply and Delivery does not provide clear advice on how to deal with over-delivery of housing above the minimum requirements when calculating the five year housing land supply, as agreed with the appellants in the SoCG (CD10.4).
- 4.54. Paragraph 31 of the PPG notes that that under-delivery against annual targets should be dealt with by adding the shortfall to the five-year aggregate requirement¹⁵. This is logical: undersupply against annual targets mean the authority is 'falling behind' in terms of delivering its housing requirement by the end of the plan period and should be required to 'catch up'.
- 4.55. By the same logic, past over-delivery should be included as part of the calculation. If this over-delivery is not taken into account in that way, then those dwellings are effectively lost in terms of tracking the local planning authority's progress towards the delivery of its housing land requirements for that plan period.

¹⁵ And also notes that step 2 of the standard method for assessing local housing need factors in past under-delivery as part of the affordability ratio

4.56. In theory this could then result in a situation where it is difficult for a local planning authority to demonstrate a five-year housing land supply in the latter stages of the Plan, despite better-than-required progress towards delivery of the housing requirement.

4.57. Whilst there is no national guidance on this matter, it has been considered by several Inspectors at several appeals elsewhere in the country, as evidenced in the appeal examples cited below.

Waters Lane Appeal, Middleton Cheney (2021) (CD8.10)

4.58. In April 2021 a decision was issued in relation to the appeal against the non-determination of a residential development on land east of Waters Lane, Middleton Cheney, South Northamptonshire (APP/Z2830/W/20/3261483) (CD8.10). The Inspector in this appeal considered the issue of the inclusion of past over-delivery within the five-year housing land supply calculations; to which paragraphs 44 to 51 refer. The Inspector in this decision is dealing with the housing land supply requirement figure.

4.59. At paragraph 47 the Inspector notes that [...] *“If the oversupply were not taken into account, then the requirement in the five years of the monitoring period would not lead to an artificially low expectation in the future, since the homes required would already been provided. Instead, the number would be artificially inflated above the housing requirement in the adopted plan”*.

4.60. It is further noted in paragraph 47 that [...] *“Delivery, for whatever reason, is bound to fluctuate from year to year. Were the Council not to adjust its future housing requirement to include oversupply then, if in the future for whatever reason it was unable to meet its requirement, it could find decisions in its area subject to the tilted balance for not meeting a requirement it had already met in previous years which, in this instance, would potentially lead to housing not being located where it is needed i.e. not in the NRDA but widespread in rural areas instead”*.

4.61. I agree with the Inspector’s conclusions in paragraph 47 as noted above.

4.62. It is acknowledged that the housing land supply requirement is a minimum and not a maximum, and that the delivery of more housing would be in line with Government objectives to significantly boost housing supplies. However I would further agree with the Waters Lane appeal Inspector where they note in paragraph 48 that *“The*

planned requirement is to meet a specific need over the plan period. To artificially inflate it through not offsetting oversupply would mean that the overall requirement figure in the plan period would increase. The planning system, which the Framework makes clear should be genuinely plan led would be significantly undermined through the location of housing where it is not needed and has not been planned for". This statement can equally be applied to the two appeal sites, where the plan led system would be undermined through the development of the two Safeguarded Land sites outside of the ongoing plan review.

Coombe Hill Appeal (2021) (CD8.11)

- 4.63. In June 2021 a decision was issued in relation to the appeal against the non-determination of a residential development on land off the A38, Coombe Hill, Gloucestershire (APP/G1630/W/20/3257625) (CD8.11). This appeal provides a recent example for the inclusion of over-delivery/over-supply within the calculation of the five-year housing land supply.
- 4.64. The courts have held that greater significance should be given to the benefits of housing provision, in proportion to the size of shortfalls in housing supply. In this case, both parties were agreed that there was both a plan period shortfall of allocated sites and also that the Council could not demonstrate a five-year housing supply.
- 4.65. The level of shortfall in the housing supply was disputed between the appellant and the Council, with the appellant disputing the deliverability of two sites. The Inspector found that the evidence of the disputed sites mattered little, as the outcome of whether they were counted or not would not remove the key agreed fact, that the Council was unable to demonstrate a five-year land supply at the time of considering the appeal.
- 4.66. On page 18, however, the Inspector notes *"The Council's claim of a 4.35-year supply would have been even lower had it looked only to the future and not taken account of past performance exceeding the annual average of the plan's requirement. That seems to me to be a just approach, because it reflects reality, not a theoretical formula applied without consideration of actual outturns"*.
- 4.67. I am aware there are other appeal decisions which have rejected the above approach. For example, in Land off Ashmead Drive, Gotherington (APP/G1630/W/20/3256319) (CD8.9) the Inspector concluded that over-supply is

not a tool that should be used to discount the five-year housing requirement “*Whilst it is clear that housing above the annual requirements has been delivered in the area and housing supply has been boosted in line with the Framework; it is my view that additional supply is not a tool that can be used to discount the Council’s housing requirement set out in its adopted strategic policies.*”. The decision was subject of a High Court challenge by Tewkesbury District Council which was decided in October 2021 (CD8.37). The Judge in this case concluded whether to account for past oversupply or not in calculating the five-year supply was a matter of planning judgement for the decision maker.

4.68. And also, at Land South of Kislingbury Road, Rothersthorpe, South Northamptonshire (APP/Z2830/W/18/3206346) (CD8.7) where the Inspector stated it “*...seems to me to be out of step with the national policy objective of boosting housing supply significantly. I reject the argument that oversupply should be deducted from future supply for 2 main reasons. First, the delivery of houses will inevitably vary from year to year and deducting past oversupply could lead to an artificially low expectation in the future, which would conflict with the national policy objective. Secondly housing need is expected to be reviewed every 5 years in any event, so in the event of significant oversupply action could be taken to address it in the short to medium term. In any case delivery expectations are not upper limits.*”

Conclusions on Oversupply

4.69. There are evidently appeal decisions which support both approaches to historic oversupply or surplus delivery against the housing requirement in strategic policy, in calculating the Five Year Housing Land Supply.

4.70. The absence of policy or guidance confirms that Central Government is content that a planning judgment is to be reached by individual decision-makers.

4.71. I consider that there are specific local circumstances which mean that taking account of past surplus is appropriate for Chorley. Namely, the planned timing of housing delivery and the way the housing requirement in the Core Strategy has been planned to be delivered between the authorities across the Central Lancashire area. And also, the significant Green Belt constraints evident in Chorley.

- 4.72. The spatial strategy for Chorley, and Chorley's Local Plan expressly anticipates strong early delivery in Chorley (as compared with Preston and South Ribble) with the level of housing delivery decreasing in the later parts of the Plan Period. The Local Plan was endorsed (and adopted in 2015) on the basis of a trajectory that showed by 2021 there would not be delivery of at least 417dpa (because of strong early delivery). It was found to be sound and consistent with the NPPF.
- 4.73. As recognised by the Middleton Cheney inspector (CD8.10), a failure to take into account previous years over-supply could lead to an artificial inflation of the housing land requirement, a lack of 5YHLS, engagement of the tilted balance and the provision of housing in inappropriate locations. That is a real risk in Chorley since unconstrained land for development is not readily available. In particular, as is clear from the record of planning applications since the Pear Tree Lane decision, safeguarded land has become the target for proposed development.
- 4.74. Finally, also noted by the Middleton Cheney inspector (CD8.10), the artificial increase of the overall Plan period requirement undermines a proper, Plan-led approach to development management. That is specifically the case in Chorley where the Development Plan expressly anticipated strong early delivery.

Identified deliverable housing land supply

- 4.75. The Five-Year Housing Supply Statement for Chorley (May 2021) (CD6.15) provides details of the sites counted towards the housing supply available for the next five-year period. Adjustments to the Council's published position (deliverable five-year housing land supply at 1st April 2021 is 1,565 dwellings) have been partially agreed through the SoCG for Housing Land Supply (CD10.4), however there are matters of disagreement between the Council and the appellants with regard to the extent of the deliverable supply.
- 4.76. The delivery capacity of site HS1.5 Cowling Farm (an allocated site) and the delivery capacity of site 3491 Fairclough House, Church Street, Adlington (a site of 10 or more dwellings with planning permission) are disputed between the parties.
- 4.77. The Council's position is that 60 dwellings will be completed in the five-year period at site HS1.5 Cowling Farm. The Council relies on Homes England for its assessment in this regard, and given their experience in housing delivery, there is no reason to doubt that assessment.

4.78. At site 3491 Fairclough House, Church Street, the Council's position is that the 56 dwellings will be completed in the five year period. There is an extant Prior Approval in place (ref: 19/00840/P3PAJ) and therefore the 56 dwellings should continue to be considered in the deliverable housing land supply.

4.79. In any case, the difference of opinion on the delivery of these two sites is immaterial, as the five-year Housing Land Supply case for these appeals turns on the housing requirement and the question of whether over supply is discounted.

Conclusions on 5-year Housing Land Supply

4.80. Based on the proper understanding of the NPPF and NPPG, the Council considers that its five-year housing land supply should be measured against the adopted housing requirement set out in Core Strategy Policy 4, as a review of this strategic policy (NPPF footnote 39) has taken place within the last five years (MOU1, CD6.9).

Core Strategy Policy 4 therefore remains the relevant requirement for the Housing Requirement to be used in the Five-Year Housing Land Supply calculation.

4.81. The Chorley Local Plan anticipated and planned for strong delivery in the early years of the plan period, reducing to lower levels in the later part of the plan period, as set out in the housing trajectory, which has been borne out in practice. The Local Plan Inspector found the Local Plan, and Policy BNE3 to be sound.

4.82. Inclusion of oversupply in the Five-Year Housing Land Supply calculation is a matter of planning judgement, and has been accepted by appeal Inspectors (CD8.10, CD8.11) as a reasonable approach to take account of strong housing delivery which has resulted in oversupply against a housing requirement set out in strategic policy.

4.83. Based on the inclusion of oversupply, the Council considers that it can demonstrate a 13.8-year land supply¹⁶ (CD6.15, updated by CD10.4). As such the tilted balance is not engaged and policy BNE3 is to be regarded as an up-to-date policy.

¹⁶ The Council agreed a reduction of 61 units to the supply set out in the April 2021 statement at the conjoined appeals APP/D2320/W/21/3272310 & APP/D2320/W/21/3272314 which were heard in August 2021.

4.84. If this argument is rejected and the solus standard method housing requirement is used, Chorley Council is not able to demonstrate a five-year deliverable land supply for housing.

Implications for Chorley and the plan-led process

4.85. If the Council's argument is not accepted, Chorley would be vulnerable to speculative applications for housing development not in accordance with the development plan and in particular, for housing developments on Safeguarded Land and Green Belt. This would undermine the plan-led process, and the importance of local governance, public consultation, and decision-making. The most appropriate sites for development should be decided through the Local Plan process. In a joint Local Plan area this consideration must take place on a Plan wide basis. Loss of Chorley's Safeguarded Land sites now would result in the Council having to consider significant Green Belt release in order to meet housing requirements in the emerging Central Lancashire Local Plan.

5. Material benefits

5.1. The Council accepts that the appeal proposals would give rise to certain benefits, most notably in terms of housing provision and economic benefits.

5.2. The appellants identify the following benefits of the appeal scheme in their separate Statements of Case (SoC) (CD10.2 and CD10.3):

- Provision of market housing
- Provision of affordable housing
- Economic benefits

5.3. Each of these benefits is considered in turn below.

Provision of Market Housing

5.4. I attach limited weight to the provision of market housing. The weight to be attached to the delivery of market housing provision is limited as the Council can demonstrate a robust 5-year land supply. In circumstances where the Council is unable to demonstrate an adequate supply of land for housing, significant weight would attach to that provision.

Provision of Affordable Housing

5.5. The provision of policy compliant levels of affordable housing is considered to carry significant weight in relation to each appeal site.

Economic Benefits

5.6. The Council agrees that there will be some economic benefit from both construction and occupation of the dwellings though there is no evidence to suggest that all residents of the new developments will be relocating from outside the Borough and thus may not be providing new economic activity.

5.7. While some economic benefit would result from the development of the appeal sites, only limited weight is attached to the provision of economic benefits from both construction and occupation.

6. Conclusions and the Planning Balance

Conflict with the Development Plan & National Planning Policy

- 6.1. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that these Appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2. Paragraph 12 of the NPPF is clear: *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted.”*
- 6.3. The up-to-date policies of the Development Plan and the NPPF taken as a whole provide clear and justifiable reasons for refusing the developments proposed.
- 6.4. The developments are plainly contrary to policy BNE3 of the Chorley Local Plan 2012-2026 and also contrary to paragraph 143(d) of the NPPF. Both BNE3 and NPPF are clear that planning permission for the permanent development of Safeguarded Land should only be granted following an update to a plan which proposes the development.
- 6.5. The conflict with both the development plan and NPPF in relation to Safeguarded Land is clear and should be given significant weight.
- 6.6. The appeals fall to be determined using the normal planning balance. The tilted balance of NPPF paragraph 11(d) is not engaged because the policies most relevant to the decision are up to date.

Other Material Considerations

- 6.7. There are no other material considerations of sufficient weight to indicate that the appeals ought to be determined other than in accordance with the Development Plan and NPPF.
- 6.8. There are a number of benefits of the appeal proposals which I list below:
- The appeal sites would provide on-site affordable housing in line with policy requirements which is afforded significant weight.

- The appeal sites would provide market housing provision but as explained previously I afford this only limited weight.
- There is limited evidence to suggest or quantify the level of economic benefit that will result from development of the appeal sites, therefore only limited weight is attached to the provision of economic benefits from both construction and occupation.

6.9. The Council does not consider there to be any material considerations of sufficient weight to indicate that the appeals ought to be determined other than in accordance with the Development Plan. Therefore, the appeals should be dismissed.

6.10. Releasing Safeguarded Land at such a scale means that both the potential for, and amount of, Green Belt that will be under pressure for development through the emerging Local Plan will increase. The relative performance of the appeal sites and other safeguarded sites in environmental, social, and economic terms should properly form part of the Local Plan review site identification and selection process. This assessment should be carried out in a comprehensive way across the integrated housing market area which covers Chorley, Preston and South Ribble (and which was reflected in the preparation of the adopted Central Lancashire Core Strategy). It should not be carried out in a piecemeal way through the development management process.

6.11. The Council is concerned that the release of the Appeal Sites along with other areas of Safeguarded Land outside of the Local Plan process (and in breach of local plan and national policy), undermines the Plan-led process.

6.12. If the Council's argument is not accepted, and the solus standard method figure is preferred (or over-supply is not discounted against the Policy 4 figure), the Council accepts that it cannot demonstrate a 5-year land supply. In these circumstances the tilted balance would be engaged and the most important policies for determining the application would be considered out of date. However, even if this were to be the case, the Council considers that the out-of-date policies, despite their reduced weight, would justify a refusal of the applications and the harm caused from their breach would significantly and demonstrably outweigh the benefits.

Section 106 Planning Obligations

6.13. Without prejudice to its position, the Council will present evidence regarding the necessity of a Section 106 planning obligations in the event that planning permission is granted and demonstrate that such obligations and contributions are compliant with the Community Infrastructure Levy Regulations 2010.

Planning Conditions

6.14. A list of draft conditions will be agreed with the Appellant.

Appendix A: Note on Housing Supply

1) Introduction

This note has been prepared by Chorley Council in response to the Inspector's email dated 21st December 2021, following the Case Management Conference.

2) The base date from which the calculation of the housing requirement commenced

The base date of the housing requirement is 1st April 2010. Policy 4 of the Central Lancashire Core Strategy sets out a minimum housing requirement for the Borough for the period 2010 – 2026 of 417 dwellings per year. This gives a total of 6,672 dwellings required over the plan period. At April 2010 Chorley had prior under provision of 162 dwellings, which, in accordance with the Core Strategy, also needs to be made up over the plan period. Therefore, at April 2010 the housing requirement for the Borough was 6,834 dwellings.

3) Details of the annual delivery of housing units since the base date compared to the development plan housing trajectory i.e. when did the oversupply take place and details of the trajectory going forward to the end of the plan period

The table below identifies delivery over the plan period compared to the housing trajectory set out in Table 1 of the Chorley Local Plan.

Year	Housing Requirement	Housing Completions	Total Projected Completions (from Table 1 of Chorley Local Plan)	Difference between Projected and Actual Completions
April 2010 – March 2011	579*	527	527	0
April 2011 – March 2012	417	552	552	0
April 2012 – March 2013	417	638	513	+125
April 2013 – March 2014	417	582	579	+3
April 2014 – March 2015	417	723	758	-35
April 2015 – March 2016	417	597	779	-182
April 2016 – March 2017	417	517	617	-100
April 2017 – March 2018	417	661	463	+198
April 2018 – March 2019	417	573	469	+104
April 2019 – March 2020	417	640	445	+195
April 2020 – March 2021	417	306	334	-28
April 2021 – March 2022	417	-	279	-
April 2022 – March 2023	417	-	259	-
April 2023 – March 2024	417	-	259	-
April 2024 – March 2025	417	-	223	-
April 2025 – March 2026	417	-	132	-
TOTAL	6834	6316	7188	+280 to date

* includes previous undersupply of 162 dwellings

Chorley Local Plan paragraph 5.14 describes the Housing Trajectory Table and Graph 1 which illustrate the expected rate of housing delivery for the Core Strategy Plan period 2010 – 2026. This states *“The trajectory shows that projected completions are set to exceed the target significantly in the early years of the plan period, but that completions are then expected to decrease in the later years of the plan period. The trajectory shows that sufficient deliverable or developable sites are identified to meet the Borough’s Core Strategy housing requirement.”*

The housing trajectory estimated that 7,188 dwellings would be completed in the plan period as additional sites were allocated in the Local Plan, above what was required to meet the housing requirement, to provide a 5% buffer to allow for any slippage. As can be seen in the table there has not been any slippage therefore completions have been in line with the trajectory to date.

The trajectory shows it was anticipated that the housing requirement would be exceeded until 2019/20, after which the expected housing completions would slow down. This has been the case with actual completions exceeding the housing requirement every year until 2019/2020. In 2020/21 completions were below the housing requirement as predicted in the trajectory and it is expected that completions will be below the housing requirement for the remainder of the plan period in line with the trajectory.

Total actual housing completions between 2010 –2021 were 6,316 dwellings against a total housing requirement of 4,749 dwellings. The projected completions for this period were 6,036 dwellings. The difference between actual and projected delivery between 2010-2021 was 280 dwellings. Therefore, actual completions have been broadly in line with the housing trajectory.

4) What does the oversupply comprise? Were the housing units provided over the annualised housing requirement since the base date the result of (a) development plan allocations being brought forward quicker than the trajectory anticipated, (b) development plan allocations producing more housing units than the allocation anticipated and or (c) were they the result of unexpected windfall developments?

As identified above it was always envisaged that completions would be higher in the earlier years of the plan period before reducing during the later years, whilst still meeting the overall housing requirement for the plan period.

This was due to a significant number of allocated sites already having planning permission at the start of the plan period, which were expected to come forward within 5 years of adoption. In particular Buckshaw Village had commenced at the start of the plan period and accounted for a significant proportion of housing completions in the earlier years of the plan period (see table overleaf).

Overall completions have been slightly higher than anticipated in the trajectory due to higher yields being delivered on allocated sites and development of a significant number of large windfall sites (10 or more dwellings) not accounted for in the trajectory. Some of the more significant large windfall sites include Primrose Gardens, Chorley (65 dwellings), Goodyear Business Park, Mawdesley (56 dwellings – nearing completion), The Pines Hotel, Clayton Brook/Green (41 dwellings) and Sumner House, Chorley (43 dwellings).

5) An assessment of the general picture regarding housing land supply

As stated above it is expected that completions will continue to be below the housing requirement for the remainder of the plan period, in line with the housing trajectory, given the oversupply in the earlier years of the plan and the majority of the housing allocations now being completed or nearing completion.

However, the housing requirement over the plan period as a whole will still be exceeded by the end of the plan period.

Buckshaw Village Completions

Monitoring Period	Buckshaw Village Completions
2003/04	0
2004/05	61
2005/06	207
2006/07	117
2007/08	226
2008/09	262
2009/10	110
2010/11	237
2011/12	199
2012/13	228
2013/14	290
2014/15	159
2015/16	141
2016/17	126
2017/18	160
2018/19	129
2019/20	171
2020/21	29
TOTAL	2852