

Chorley Borough Council

Statement of Case

**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**

13th December 2021

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1. Chapter 1 Introduction

Background

- 1.1. This Statement is provided by Chorley Borough Council in relation to the appeals lodged by Hollins Strategic Land and Metacre Ltd following the refusal of two applications by Chorley Borough Council (hereafter the Council).
- 1.2. This Statement of Case relates to both appeals to be heard at one conjoined Public Inquiry. The appeal cases are as follows:
 - Lead Appeal A: Land off Carrington Road, Adlington, PR7 4JE (PINS Appeal Ref. APP/D2320/W/21/3284692, LPA Ref. 20/01200/OUTMAJ)
 - Linked Appeal B: Land south of Parr Lane, Eccleston, Lancashire (PINS Appeal Ref. APP/D2320/W/21/3284702, LPA Ref.20/01193/OUTMAJ)

Appeal A: Land at Carrington Road, Adlington

- 1.3. The application for Appeal A was submitted by Sedgwick Associates on behalf of Hollins Strategic Land. The application sought 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.
- 1.4. The application was validated on the 9th November 2020 and was given the reference number 20/01200/OUTMAJ. The application was reported to committee on 12th April 2021 with a recommendation for refusal.

Appeal B: Land south of Parr Lane, Eccleston

- 1.5. The application for Appeal B was submitted by De Pol Associates Ltd on behalf of Metacre Ltd. The application sought 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 30% affordable housing).
- 1.6. The application was validated on the 6th November 2020 and was given the reference number 20/01193/OUTMAJ. The application was reported to committee on 12th April 2021 with a recommendation for refusal.

Reasons for Refusal (RFR)

Appeal A: Land at Carrington Road, Adlington

1.7. The application was refused by the planning committee for the following reasons:

1. The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
2. The application site is proposed in isolation from the wider site allocation BNE3.3 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 - 2026 and the National Planning Policy Framework.
3. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm through encroachment. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.

Reasons for Refusal which are no longer pursued

RFR2

1.8. The Council has reviewed the evidence with regards to RFR2, including the appeal decision which refused outline permission for 25 dwellings on this site (Ref. APP/D2320/W/19/3228123), the Appellant's Statement of Case, and the offer at

paragraph 2.21 to provide an adoptable access road, cycle and footways through the site to connect to land to the east, which could be the subject of a condition.

1.9. In light of this review, the Council no longer seeks to apply RFR2, regarding the piecemeal approach to development leading to an unsustainable form of development.

1.10. **As a result, the Council no longer seeks to pursue RFR2.**

RFR3

1.11. The illustrative layout shows the area of the site in the Green Belt as an area for ecological enhancement and open space. The Council understands the applicant had intended to use this part of the site for Sustainable Drainage (SUDS) and open space. However, the illustrative layout appears to show the edges of two houses (Plots 1 and 25) overlapping with the Green Belt land. As such, the Council was concerned about the potential for encroachment into the Green Belt, given the application sought outline planning permission with all matters reserved except to agree the point of access. The Council has reviewed the evidence with regards to RFR2, including the appeal decision refusing planning permission for 25 dwellings on this site (Ref. APP/D2320/W/19/3228123), and the Appellant's Statement of Case (in particular para. 2.15-2.18), in which the appellant offers a parameter plan showing no inappropriate development in this area, which could be the subject of a condition. The proposed parameter plan has yet to be submitted.

1.12. In light of the review, and on the basis that a parameter plan can be agreed to exclude inappropriate development from the part of the site within the Green Belt, the Council no longer wishes to apply RFR3.

1.13. **As a result, the Council no longer seeks to pursue RFR3. The only remaining reason for refusal is RFR1.**

Appeal B: Land south of Parr Lane, Eccleston

1.14. The application was refused by the planning committee for the following reason:

1. The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development

are sufficient to outweigh the presumption against it.

2. Chapter 2 Appeal Sites & Surroundings

Appeal A: Land at Carrington Road, Adlington

Site Description

- 2.1. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.3 North of Bond's Lane, Adlington) with the north / north-western section of the site falling within the Green Belt.
- 2.2. The site comprises 0.84ha of relatively flat undeveloped grassland adjoining the settlement area of Adlington. The site is bordered by large fields to the north east with the canal beyond, allotments to the east with fields beyond, residential properties to the south east and south west (Stonor Road and Carrington Road), and there is a sand quarry beyond the north western site boundary. A Public Right of Way (FP11) runs along the north western boundary of the site.
- 2.3. Adlington is designated as an Urban Local Service Centre in the adopted Central Lancashire Core Strategy (Policy 1). The appeal site sits outside the Settlement Area (Chorley Local Plan Policy V2) and forms part of a wider parcel of land designated as an Area of Land Safeguarded for Future Development Needs (Policy BNE3; BNE3.3) in the adopted Chorley Local Plan 2012-2026.

Planning History

- 2.4. Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road (Ref.18/00863/OUTMAJ). Refused 6 November 2018, and Appeal dismissed 31 July 2019 (Ref. APP/D2320/W/19/3228123)
- 2.5. Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road (Ref:17/00411/OUTMAJ). Refused 13 September 2017.

Appeal B: Land South of Parr Lane, Eccleston

Site Description

- 2.6. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.8 Between Bradley Lane and Parr Lane, Eccleston).
- 2.7. The site comprises approximately 1.5 ha of undeveloped grassland adjoining the east side of the village of Eccleston. The north side of the site is bounded by Parr

Lane, the west side by existing residential properties, to the south by a playing field and the west by an open field separated from the site by a ditch. There is a small disused stable building in the north east corner of the site close to a field gate on Parr Lane.

- 2.8. Ecclestone is designated as a Rural Local Service Centre in the adopted Central Lancashire Core Strategy (Policy 1). The appeal site sits outside the Settlement Area (Chorley Local Plan Policy V2) and forms part of a wider parcel of land designated as an Area of Land Safeguarded for Future Development Needs (Policy BNE3; BNE3.8) in the adopted Chorley Local Plan 2012-2026.

Planning History

- 2.9. Outline application (with all matters reserved) for the erection of up to 33 dwelling houses and the provision of community allotments (Ref: 17/00792/OUTMAJ).
Refused 11 October 2017.

3. Chapter 3 Development Plan for Chorley

The Development Plan

3.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) and section 70(2) of the Town and Country Planning Act 1990, as amended, sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Chorley comprises:

Central Lancashire Core Strategy 2012

3.2. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authority areas of Chorley, South Ribble and Preston. The Core Strategy covers the plan period from 2010 – 2026.

3.3. Whilst the Core Strategy must be read as a whole, the following policies are considered most relevant to the appeals:

- Core Policy 1: Locating Growth
- Core Policy 4: Housing Delivery
- Core Policy 5: Housing Density
- Core Policy 7: Affordable Housing and Special Needs Housing
- Core Policy 14: Education
- Core Policy 17: Design of New Buildings
- Core Policy 22: Biodiversity and Geodiversity
- Core Policy 27: Sustainable Resources and New Developments and
- Core Policy 29: Water Management

Chorley Local Plan 2012 - 2026

3.4. Following the adoption of the Core Strategy, each of the 3 authorities produced and adopted a Local Plan. The Chorley Local Plan was adopted in July 2015 and covers the plan period from 2012 – 2026. It should be read in conjunction with the Central Lancashire Core Strategy.

3.5. Whilst the Local Plan should be read as a whole, the following policies are considered most relevant to the appeals:

- Policy V2: Settlement Areas

- Policy BNE3: Areas of Land Safeguarded for Future Development Needs
- Policy ST1: Provision or Improvement of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development
- Policy HS4A: Open Space Requirements in New Housing Developments
- Policy HS4B: Playing Pitch Requirements in New Housing Developments
- Policy BNE1: Design Criteria for New Development
- Policy BNE9: Biodiversity and Nature Conservation
- Policy BNE10: Trees

Emerging Local Plan

- 3.6. As noted above, the Central Lancashire Core Strategy was adopted in 2012, and covers the three authority areas of Chorley, Preston City and South Ribble Borough. The Core Strategy was then supplemented by three Local Plans for each of the authority areas.
- 3.7. In 2018, the decision was taken to combine all of the Local Plans and Core Strategy with a view to delivering a single Central Lancashire Local Plan (CLLP) which will reflect the shared strategic policy objectives and more detailed non-strategic policies.
- 3.8. The CLLP is at an early stage in the local plan review process, with the Issues and Options consultation having run from November 2019 to February 2020. The consultation responses received during this consultation period are being fed into the preparation of the Preferred Options Document, which, due to Covid-19 restrictions has been delayed.
- 3.9. It is expected that the finalised local plan will be submitted to the Planning Inspectorate in March 2023 with adoption at the end of 2023. The CLLP will cover the period up to 2036.

Other Material Considerations

NPPF (2021)

Green Belt

- 3.10. Chapter 13 of NPPF covers the protection of Green Belt land. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open;

the essential characteristics of Green Belts are their openness and their permanence (paragraph 137).

3.11. Paragraph 138 states that a Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.12. Paragraph 140 of NPPF notes that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

Safeguarding Land

3.13. Chapter 13 of NPPF also covers the principal of safeguarding land for longer term development. Paragraph 143 details that when defining Green Belt boundaries, Local Plans should:

- ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development
- not include land which it is unnecessary to keep permanently open
- 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
- 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
- be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period and

- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Development in the Green Belt

3.14. Paragraph 147 of the NPPF notes that inappropriate development in the Green Belt is harmful by definition, and should not be approved except in very special circumstances. Reference will also be made to paragraphs 138, and 148-150.

Development Plans

3.15. Paragraph 17 of NPPF highlights that the development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:

- joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
- a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.

3.16. The NPPF further emphasises that planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Housing

3.17. Chapter 5 of NPPF addresses the requirements of delivering a sufficient supply of homes.

3.18. In line with paragraph 61 of the NPPF, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. Within this context, the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (paragraph 62).

3.19. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:

- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

- the agreed approach contributes to the objective of creating mixed and balanced communities (paragraph 63).
- 3.20. Paragraph 65 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made in specific circumstances as set out in paragraph 65.
- 3.21. Paragraph 66 requires strategic policy-making authorities to establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period. Furthermore, strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment (paragraph 68).
- 3.22. In line with the above, 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 (paragraph 74).
- 3.23. Footnote 39 to this paragraph provides an exception to this approach, stating that where strategic policies are more than 5 years old, but they have been reviewed and not found to require updating they should continue to be used.
- 3.24. Paragraph 74 goes on to clarify that the supply of specific deliverable sites should in addition include a buffer of:
- 5% to ensure choice and competition in the market for land; or
 - 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
 - 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

3.25. The NPPF further advises that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way (paragraph 73).

Sustainable Development

3.26. At the heart of the NPPF is a presumption in favour of sustainable development.

3.27. Paragraph 8 sets out three overarching objectives:

- an economic objective – to help build a strong, responsive, and competitive economy.
- 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
- an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment.

3.28. Paragraph 11 notes that for decision-taking, the presumption in favour of sustainable development means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.29. Paragraph 12 further confirms that 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 (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Planning Practice Guidance (PPG)

Housing Supply and Delivery (2019)

3.30. The PPG provides additional guidance on the supply and delivery of housing and how this should be determined in line with NPPF.

3.31. For decision-taking purposes, the planning authority should demonstrate a 5-year housing land supply via one of two ways:

- using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR); or
- 'confirming' the 5-year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 74 of the NPPF).

3.32. 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.

3.33. In other circumstances, the 5-year housing land supply will be measured against the area's local housing need which is calculated using the standard method. The authority should use the standard method (paragraph 74 of NPPF) for calculating local housing needs to provide the minimum number of homes to be planned for.

The standard method should be used unless exceptional circumstances justify an alternative approach (paragraph 61 of NPPF refers).

- 3.34. In decision-taking, if an authority cannot demonstrate a 5-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply (as set out in paragraph 11d of NPPF).
- 3.35. The local planning authority should always add an appropriate buffer, applied to the requirement in the first 5 years (including any shortfall), bringing forward additional sites from later in the plan period. This will result in a requirement over and above the level indicated by the strategic policy requirement or the local housing need figure.
- 3.36. Buffers are not cumulative, meaning that an authority should add one of the following, depending on circumstances:
- 5% - the minimum buffer for all authorities, necessary to ensure choice and competition in the market, where they are not seeking to demonstrate a 5-year housing land supply.
 - 10% - the buffer for authorities seeking to 'confirm' 5-year housing land supply for a year, through a recently adopted plan or subsequent annual position statement (as set out in paragraph 75 of NPPF), unless they have to apply a 20% buffer (as below); and
 - 20% - the buffer for authorities where delivery of housing taken as a whole over the previous 3 years, has fallen below 85% of the requirement, as set out in the last published Housing Delivery Test results.
- 3.37. PPG highlights that where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years (PPG paragraph 32).

Supplementary Planning Documents (SPD)

- 3.38. The Council has a number of adopted SPDs which are also considered relevant.

Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document (2012)

- 3.39. The Affordable Housing SPD builds upon Core Strategy Policy 7 which identifies that urban areas of Chorley require a 30% provision of affordable housing, and rural

sites which are in or adjoining villages, that have, or will have a suitable range of services will require a 35% provision of affordable housing.

3.40. The SPD provides detail on:

- The cost at and below which housing is considered to be affordable
- The mix of affordable housing tenures
- Any specific spatial variations in the level and types of affordable housing and
- Prevailing market conditions and impacts on viability

Central Lancashire Core Strategy Biodiversity and Nature Conservation Supplementary Planning Document (2015)

3.41. The Biodiversity and Nature Conservation SPD provides guidance on biodiversity and nature conservation. It provides information on how to consider planning proposals having an impact on ecological networks, which are links between sites of biodiversity importance.

Central Lancashire Core Strategy Employment Skills Supplementary Planning Document (2017)

3.42. The Central Lancashire Employment Skills SPD was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD seeks to:

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

3.43. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. goes on to state that one of Central Lancashire's priorities is to encourage economic growth.

Central Lancashire Core Strategy Design Guide Supplementary Planning Document (2012)

3.44. A key objective of the Design Guide SPD is to raise the level and quality of design of new buildings in the built environment across Central Lancashire and to reinforce the unique character of the area. The SPD seeks to set a benchmark for design quality by endorsing best practice and requiring new development to enhance the character of an area through good design. Good design plays a vital part in ensuring that the achievement of sustainable development, quality, and local distinctiveness in the built environment.

Central Lancashire Core Strategy Open Space and Playing Pitch Supplementary Planning Document (2013)

3.45. The purpose of the Open Space and Playing Pitch SPD is to provide advice on how the Council's open space and playing pitch policies, as set out in the Local Plan, are to be implemented and guidance on provision standards and how they will be applied.

4. Chapter 4 The Case for the Local Planning Authority

Site Descriptions and Relevant Planning History

- 4.1. In evidence the Council will describe the appeal sites and relevant planning history, the character of the surrounding area and the background to the appeals including consultation responses and representations received.

Development Plan and National Planning Policy

- 4.2. As set out in Chapter 3, the Council will describe the relevant planning policies that relate to the appeal sites and proposals as set out in the development plan. References will be made to relevant Supplementary Planning Documents. References will be made to the National Planning Policy Framework and Planning Practice Guidance.

Safeguarded Land

- 4.3. In the Chorley Local Plan (2012-2026) the appeal sites are designated as Areas of Land Safeguarded for Future Development Needs (Safeguarded Land) under Policy BNE3 (page 47). Policy BNE3 provides for the safeguarding of the appeal sites for the Plan period. This land has been safeguarded to ensure the longevity of the Green Belt boundaries. Policy BNE3 - and the other strategic housing policies V2: Settlement Areas and HS1: Housing Site Allocations - set the spatial strategy for housing in the Borough for the period 2012 -2026. Housing is directed towards urban areas and a number of allocated sites in line with Core Strategy Policy 1 (Locating Growth, pages 50 - 51).
- 4.4. These proposals - outside of the settlement boundary and in an area of designated Safeguarded Land - are in clear breach of this strategy and policy. Policy BNE3 is a restraint policy which states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2, page 46) will not be permitted on Safeguarded Land. The proposals are both therefore contrary to Policy BNE3.
- 4.5. It is acknowledged that the weight to be given to this policy depends on its degree of consistency with the NPPF (the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given).

- 4.6. Paragraph 143 of the NPPF states (inter alia) in relation to defining boundaries of the Green Belt, that local planning authorities 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;**' (added emphasis)*
- 4.7. Policy BNE3 (page 47) is in accordance with paragraph 143 and in particular c) and d) of the Framework (2021) and should therefore be regarded as up to date. Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the NPPF.
- 4.8. Safeguarded Land is allocated as such so that the designated Green Belt boundaries last for a long time. It is protected from development until a time in the future when it may be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term. The assessment and possible release of Safeguarded Land is a matter for the Development Plan. Significant weight therefore attaches to this policy and its breach as a result of the appeal schemes.
- 4.9. The appellants in their Statement of Case highlight that the sites are proposed as a suitable allocation for housing development in the emerging joint Local Plan (Appeal A SoC para 2.13; Appeal B SoC para 5.9ii).
- 4.10. The Council does not consider that the potential future release of this site through a revised Local Plan tempers the current schemes conflict with BNE3. The Appellants accept that the emerging Plan can only be given limited weight (Appeal A SoC para 2.14; Appeal SoC para 5.9iii). Accordingly, only limited weight attaches to the draft allocations in the emerging Local Plan. That factor (generating some limited positive weight) does not reduce the significant negative weight attaching to the appeal schemes' conflict with policy BNE3 (and national policy in respect of safeguarded land).

Five Year Land Supply Position

4.11. The Council considers that it has a five-year supply of housing land. The first step in assessing a Council's 5-year land supply is to establish the correct housing requirement against which to test the identified supply.

Requirement

4.12. Paragraph 74 and Footnote 37 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.

4.13. The Council considers that a review has taken place through the 2017 Strategic Housing Market Assessment and associated Memorandum of Understanding MOU1 (as signed by the 3 Authorities). The review found that the housing requirement set by Policy 4 of the Core Strategy should continue to be used until the adoption of a new Local Plan.

4.14. There have been a number of appeal decisions in the intervening period since the MOU was signed, from across Chorley, Preston and South Ribble, some of which have supported this approach and others not. In evidence the Council will summarise each of these decisions and provide commentary on their relevance to the current position in Chorley.

4.15. The most recent decision is from South Ribble (June 2021). The Council refused to grant outline permission for up to 100 dwellings with access and associated works on Land to the South of Chain House Lane, Whitestake, Preston (APP/F2360/W/19/3234070). The appeal was originally heard in November 2019 and was dismissed. That decision was subsequently challenged by the appellant and on 21 August 2020 the High Court ruled that the appeal decision should be quashed. The consequence of this judgement was that the appeal needed to be redetermined. A re-run appeal was held, and the appeal was again dismissed (24th June 2021).

4.16. 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.

- 4.17. 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 use of policy 4 (as reviewed through MOU1).
- 4.18. 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.”*
- 4.19. Chorley 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 which will be discussed in evidence).
- 4.20. The Council's view is that 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 and Councils that have failed to deliver are in effect being “rewarded” with lower targets. This is a particular issue in areas subject to a joint Plan, such as Central Lancashire.
- 4.21. In evidence the Council will explain why it considers there are specific local reasons which mean the Core Strategy Policy 4 requirement should continue to be used as the housing requirement for Chorley in assessing five-year land supply.

Oversupply

- 4.22. Since the beginning of the Plan period Chorley Council has consistently delivered in excess of its adopted housing targets. Whilst the housing targets set in the Core Strategy are minimum requirements, it is not the case 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
- 4.23. As acknowledged by the appellant (paragraph 4.12) national policy and guidance on Housing Supply and Delivery does not provide advice on how to deal with over-delivery of housing above the minimum requirements when calculating the five-year

housing land supply. In evidence the Council will set out why it considers it acceptable to incorporate past over supply into the five-year land supply calculation.

5 Year Land supply Summary

4.24. The Council considers that it can demonstrate a five-year land supply. As such the tilted balance is not engaged and policy BNE3 is to be regarded as an up-to-date policy.

4.25. The Council defended its five-year land supply position at a conjoined Inquiry in August 2021 in relation to Land at Tinklers Lane (APP/D2320/W/21/3272310), Eccleston and Land North of Town Lane, Wittle-le-Woods (APP/D2320/W/21/3272314), and at a further Inquiry in October 2021 in relation to Blainscough Hall, Coppull (APP/D2320/W/21/3275691). These and other outstanding appeal decisions may be released prior to the submission of evidence (and the hearing dates) for this Inquiry. It may be that the Council will need to revisit the position as set out in this Statement of Case in light of these matters.

Other Material Benefits

Appeal A

4.26. The Council accepts that the appeal proposals would give rise to certain benefits, most notably in terms of housing provision and economic benefits. However, the benefits advanced are moderate in the weight that can be attributed to them as a whole and do not result in factors either individually or collectively that would indicate that the development should be granted despite being contrary to policy.

Appeal B

4.27. The Council accepts that the appeal proposals would give rise to certain benefits, most notably in terms of housing provision and economic benefits. However, the benefits advanced are moderate in the weight that can be attributed to them as a whole and do not result in factors either individually or collectively that would indicate that the development should be granted despite being contrary to policy.

4.28. The appellants identify the following benefits of the appeal schemes:

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

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

Provision of market housing

4.30. The weight to be attached to the delivery of market housing provision is reduced since the Council can demonstrate a robust five-year supply of housing. Given the level of supply the Council can demonstrate this carries limited weight.

Provision of affordable housing

4.31. The provision of policy compliant levels of affordable housing is considered to carry significant weight.

Economic benefits

4.32. 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 development will be relocating from outside the Borough and thus may not be providing new economic activity. Moderate weight is attached to the provision of economic benefits from both construction and occupation.

5. Chapter 5 Conclusions and the Planning Balance

- 5.1. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that the Appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2. The relevant policies of the Development Plan are, Core Strategy polices CS1 Locating Growth, CS4 Housing Delivery, CS5 Housing Density and CS7 Affordable and Special Needs Housing, and Chorley Local Plan 2012-2026 polices V2 Settlement Areas, and BNE3 Areas of Land Safeguarded for Future Development Needs.
- 5.3. The Council considers that the proposals are in conflict with polices V2 and BNE3 of the Chorley Local Plan 2012-2026.
- 5.4. Paragraph 11 of the NPPF is the heart of the Framework which reflects this approach, it sets out the presumption in favour of sustainable development. It states “*For decision-taking this means:*
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.5. Given the presence of a healthy 5-year housing land supply, the most important policies for deciding the appeals are still considered up to date. The policies of the Development Plan and the Framework taken as a whole provide clear and justifiable reasons for refusing the proposed development. Paragraph 12 of the NPPF therefore applies: this states that “*Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted”* .

- 5.6. 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.
- 5.7. There are a number of benefits of the appeal proposals:
- The sites would provide market housing but due to the presence of a healthy housing land supply this only attracts limited weight.
 - The sites would provide on-site affordable housing in line with policy requirements which is afforded significant weight.
 - The developments would result in some economic benefits from both construction and occupation, these are afforded moderate weight
- 5.8. In conclusion, given the Council can demonstrate a robust 5-year land supply, the most important policies for deciding the appeals are still considered up to date. As such the tilted balance is not applied. 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 both be dismissed.
- 5.9. Without prejudice to this position the Council will present evidence regarding the necessity of a Section 106 planning obligation for each scheme and demonstrate that such obligations and contributions are compliant with the Community Infrastructure Levy Regulations 2010.
- 5.10. A list of draft conditions will be agreed with the Appellants as part of the Statements of Common Ground.