

S.78 Appeal

APPELLANT STATEMENT OF CASE

Land at Parr Lane, Ecclestone

(LPA application ref: 20/01193/OUTMAJ)

Appellant: Metacre Ltd

LPA: Chorley Borough Council

Date: September 2021



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1. Introduction

1.1. This Statement of Case is submitted in accordance with the Town and Country Planning (Inquiries Procedures) (England) Rules 2000 (SI 2000:1625). It relates to an appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) by Metacre Ltd (the appellant) against the decision of Chorley Borough Council (CBC) to refuse an outline planning application for residential development at Eccleston.

1.2. The outline application was validated by CBC on 6 November 2020 and given the reference number 20/01193/OUTMAJ. The development applied for is:

“Outline planning application (with all matters reserved) for the development of land off Parr Lane, Eccleston for up to 34 dwellings and associated infrastructure.”

1.3. The application was presented to the Planning Committee on 12th April 2021 and the Officer’s Report (OR) is contained at **Appendix 1**. The OR recommended that planning permission be refused on two grounds. The first was conflict with safeguarded land policy BNE3 of the Chorley Local Plan and in the context of there being a deliverable five year housing supply there not being any material considerations which outweighed the conflict. The second was a failure to make adequate provision for affordable housing in line with policy requirements. However, prior to the Committee Meeting it was clarified by the Appellant that they were committed to providing affordable housing in line with policy. The Committee resolved to refuse permission based on the first recommended reason for refusal in the OR and the decision notice was issued on 13 April 2021 (**Appendix 2**).

1.4. The appellant considers the inquiry route to be the most appropriate method of determining this appeal as the matters to be considered are complex, particularly in relation to the housing supply, and would need to be subject to the detailed scrutiny provided by a Public Inquiry. This Statement of Case outlines the case the Appellant intends to put forward at public inquiry, having regard to the reason for refusal relied upon by CBC. The Appellant reserves the right to add to the matters contained in this Statement and to the list of documents set out.

1.5. The Appellant envisages that a full list of the application documents will be set out within the Statement of Common Ground (SoCG) and will liaise with CBC in that regard. It is the appellant’s intention to produce a Unilateral Undertaking (UU) in advance of the



appeal inquiry which will make provision for the obligations referred to in the Officer's Delegated Report and consultee responses relating to the subject application as well as securing the required affordable housing in line with policy. Further details are set out in the draft Statement of Common Ground.

- 1.6. The Appellant's grounds of appeal are set out in brief in anticipation of the appeal proceeding by way of an inquiry. If the appeal is to proceed by an alternative determination method, further information and more detailed evidence will be provided by the Appellant at the relevant time.



2. Description of Appeal Sites and Proposed Development

- 2.1. A draft Statement of Common Ground has been prepared and submitted for the Council's consideration, which includes a description of the site, the subject application, the planning history and relevant planning policies. Further descriptions are provided in the material in support of the subject applications, which is also included in the appeal
- 2.2. In summary, the appeal site comprises circa 1.5 ha of grassland on the northeastern edge of Ecclestone. It lies to the south of Parr Lane, which runs east-to-west across the northern boundary of the site, and to the east of the housing estate along Sandringham Road and Richmond Road. The B5250 (The Green / Langton Brow) travels through the centre of Ecclestone and provides a direct link to the M6 motorway approximately 2 miles to the east of the site.
- 2.3. The appeal site is currently used as grazing land and is bound on all four sides with a combination of shrub, broken hedgerows, and scattered tree planting. None of these are subject of tree preservation orders. A drainage ditch runs along the eastern site boundary and a small stable building is located to the northeast of the site. Access is off Parr Lane.
- 2.4. The western site boundary immediately adjoins the side and rear gardens of existing residential properties, beyond which is the wider settlement of Ecclestone. These neighbouring properties include true bungalows, dormer bungalows and two storey semi-detached houses. The northern site boundary is defined by Parr Lane, beyond which is a small cluster of dwellings and other development. The southern site boundary adjoins Ecclestone recreational ground, which comprises a series of playing pitches and equipped play provision, beyond which is the wider built up area of Ecclestone including the village centre. To the east of the site is agricultural land.
- 2.5. There is an existing pedestrian access to the recreational grounds via Richmond Road to the south west of the site, which also provides a pedestrian route to the village centre.
- 2.6. The subject application seeks outline planning permission for the erection of up to 34 dwellings and other infrastructure associated with the development. All matters are reserved for future approval, although the accompanying Design and Access Statement



identifies a range of development parameters. An illustrative layout is also submitted, but this is indicative only and planning permission is not sought for this layout.

- 2.7. The illustrative layout shows a mixture of terraced, semi-detached and detached houses / bungalows together with apartments, totalling 34 dwellings. Whilst the eventual mix is reserved for future approval the Applicant is committed to provide 35% affordable housing, which will be secured by a s.106 / UU.
- 2.8. Two access points are proposed, one off Parr Lane and one Sandringham Road. The Parr Lane access will serve a maximum of three dormer bungalows fronting the carriageway. The access off Sandringham Road will serve the remainder of the residential development. A two metre public footpath link also exists in the south west corner of the site.
- 2.9. Existing trees / hedgerows will be retained where possible and the existing landscaped boundaries will be enhanced. There will be a requirement to remove part of the westerly and northern hedgerows/trees to enable access onto the site, although replacement hedgerows and trees would be provided within the development



3. Planning Policy Context

3.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the appeals the relevant Development Plan comprises:

- The Central Lancashire Core Strategy (CS) which was adopted in July 2012 and covers the period 2010-2026. This is a joint CS between Chorley Borough Council, Preston City Council and South Ribble Borough Council and covers the three administrative boundaries, which form a single housing market area (HMA). It sets out the strategic policies for the HMA.
- The Chorley Local Plan 2012-2026 which was adopted in July 2015. The Chorley Local Plan allocates sites to deliver the Core Strategy and provides local level policies specific to Chorley.

3.2. The (draft) SoCG lists the policies of both the Core Strategy (CS) and Chorley Local Plan (CLP) which are relevant to the Appeal application. It is evident from the OR for the Appeal applications, together with the decision notice, that CBC only consider the appeal proposals to conflict with one development plan policy, i.e. Local Plan policy BNE3 (Areas of Land Safeguarded for Future Development Needs). The Appellant does not dispute conflict with this policy, but it is assumed that it will be common ground that there is no conflict with any other policies of the Development Plan.

3.3. The three Central Lancashire Authorities are currently undertaking a review of the development plan(s) for the area and are working towards the preparation of a Joint Local Plan for Central Lancashire. This will be a single planning document containing the Councils' vision and objectives. This is at an early stage of production with the stage 1 consultation on Issues & Options (I&O19) having closed in February 2020. The stage 2 Preferred Options was expected to be published for consultation in summer 2021, with the submission to the Planning Inspectorate for examination expected in March 2023. However, at the time of writing this Statement of Case the Preferred Options has yet to be published.



- 3.4. Whilst not part of the Development Plan a significant material policy consideration is the National Planning Policy Framework. This was first introduced in 2012 (Framework12) with a revised version published on the 19 February 2019 (Framework19) with the current version published in July 2021 replacing all previous central Government Planning Policy. The Government has made clear its expectation, through the Framework, that the planning system should positively embrace sustainable development to deliver the economic growth necessary and the housing needed to create inclusive and mixed communities. There are a number of paragraphs in the Framework which are relevant to the Appeal and the Appellant will refer to these in the evidence.
- 3.5. The National Planning Practice Guidance (“NPPG”) was first launched in March 2014 and brings together planning guidance on various topics into one place. This is also a material consideration and will be referred to in the Appellant’s evidence as appropriate.



4. Five Year Housing Supply

- 4.1. CBC's most recent Five Year Housing Supply Statement (HSS – Appendix 3) suggests that on 1st April 2021 there was a deliverable housing supply of 1,565 dwellings. When establishing if this represents a deliverable five year housing supply (5YHS), it is necessary to establish what the relevant housing requirement is. Framework paragraph 74 and Footnote 39 confirm that this should be the housing requirement set out in the adopted strategic policies in circumstances where these are less than five years old, or are over five years old but have been reviewed and found not to require updating. In other circumstances the Local Housing Need (LHN) calculated using the standard method (SM) is to be used.
- 4.2. Whether the appropriate housing requirement is to be based on the adopted strategic policy, in this case CS policy 4, or the LHN, has a significant bearing on whether there is a 5YHS. This was recently demonstrated in CBC's evidence to a joint appeal inquiry referred to in this Statement as Tincklers Lane¹. The Council's 5YHS position as presented at the Tincklers Lane Appeal inquiry in August 2021 is reproduced below in Table 1. This is based on a 1 April 2021 base date although it is noted that CBC appear to have discounted the supply identified in the HSS by 41 dwellings. It is evident from CBC's evidence at Tincklers Lane and the HSS that the position as to whether there is a 5YHS depends upon whether the housing requirement is to be based on CS policy 4 or the LHN. It is considered that establishing what is the correct housing requirement for Chorley will be determinative of the 5YS question and therefore there should be no need to interrogate the Council's housing land supply.

Table 1: Chorley Council's 5YHS

	CS policy 4 (with oversupply)	LHN
Total 5 year supply	1,524	1,524
5 year requirement + 5% buffer	109	564
Equivalent Years Supply	14.0	2.7

¹ Appeal: Tincklers Lane, Eccleston (3272310) and Town Lane, Whittle-le-Woods (3272314)



- 4.3. There are various determined and live appeal decisions and High Court Challenges within the three Central Lancashire Authorities which have or are considering whether the 5YHS should be based on the CS policy 4 or LHN requirement. A brief chronology is provided below.
- 4.4. CS policy 4 was adopted in July 2012 and was carried forward from the now revoked North West Regional Spatial Strategy, which identified the housing requirement for the period 2003 to 2021. As such the strategic policy is not based on the LHN standard method, as required in Framework paragraph 74 and is also over five years old. However, initially the three Central Lancashire Authorities were of the same view that whilst over five years old, the policy had been subject to a Footnote 39 review in 2017 and found not to require updating². Consequently, all three authorities were initially of the view that the 5YHS should continue to be based on the housing requirement in CS Policy 4.
- 4.5. An appeal decision relating to an application refused by South Ribble Borough Council at Chain House Lane³, then essentially concluded that the 2017 SHMA and associated Memorandum of Understanding did not constitute a review for the purposes of Footnote 37 (now Footnote 39). On this basis Inspector S Hunt concluded that CS policy 4 was out of date and that the 5YHS should be based on the LHN. This position was then adopted by all three Authorities, who had also jointly commissioned Icenii to prepare a Housing Report as part of the emerging Central Lancashire Local Plan (CLLP) evidence base and produced a second Memorandum of Understanding⁴ which a) accepted the use of the LHN and b) sought to redistribute LHN within the Central Lancashire Authorities.
- 4.6. At an appeal referred to in this Statement as Pear Tree Farm⁵, it was common ground between CBC and the appellant that CS policy 4 was out of date, although CBC contended that the 5YHS should be based on the MOU2 redistributed LHN rather than the LHN as calculated solely for Chorley. Inspector Mike Hayden concluded that whilst the authorities were in agreement to MOU2 there were unresolved objections to the proposed redistribution and as a policy document intended to inform an emerging Local Plan at an early stage of production it could only be afforded limited weight. Therefore,

² SHMA (2017) and Memorandum of Understanding (MOU) (September 2017)

³ Appeal: Chain House Lane, Whitestake (3234070)

⁴ Memorandum of Understanding 2 (MOU 2) (May 2020)

⁵ Appeal: Pear Tree Lane, Euxton (3247136)



Mr Hayden determined that the LHN represented the housing figure to assess Chorley's 5YHS against. It is understood that this has since been accepted by all three authorities and that MOU2 should not be used for the purposes of calculating 5YHS.

- 4.7. The Chain House Lane appeal was then quashed by High Court⁶ on 21 August 2020. One of the grounds of challenge related to the Inspector's conclusion that there had not been a Framework Footnote 37 (now Footnote 39) review of CS Policy 4 and the Judgment concluded that the claimant's arguments on this matter must succeed, referring to elements of the Inspector's reasoning as being 'legally flawed' and 'problematic'. Notwithstanding, the Judgment states that the conclusion reached by the Inspector that there had been a significant change pursuant to the PPG arising from the introduction of the standard method, was a planning judgement reasonably open to her and as such she was entitled to conclude that Policy 4 was out of date.
- 4.8. Following this Judgement Preston City Council and South Ribble BC accepted that there had been a Footnote 37 (now Footnote 39) review in 2017 but continued to defend the use of LHN to calculate the 5YHS on appeal. One was an appeal inquiry in February 2021 relating to a site at Cardwell Farm in the authority area of Preston⁷ and the other was the reopened appeal inquiry in March 2021 for the Chain House Lane appeal which had been quashed by the High Court.
- 4.9. The two authorities argued similar cases which in essence was that a significant change had taken place on the grounds that Standard Method LHN had been introduced. NPPF paragraph 33 identifies that "*relevant strategic policies will need updating at least once every five years if their applicable housing need figure has changed significantly; and are likely to require an earlier review if local housing need is expected to change significantly in the near future*". The Local Housing Need figure for Chorley could be considered a significant change and the emerging local plan is an acknowledgement that the housing requirement is expected to change significantly. On this basis the housing requirement Policy L4 is out-of-date and the Standard Method figure should apply.
- 4.10. The Cardwell Farm decision was issued first in March 2021 and Inspector Mark Dakeyne concluded that CS policy 4 should continue to be used to calculate the 5YHS. However,

⁶ High Court Ruling – Chain House Lane Case: CO/234/2020 (21/08/2020).

⁷ Appeal: Cardwell Farm, Preston (3258889)



in June 2021 Inspector Andrew Dawe issued the reconsidered Chain House Lane appeal decision and concluded that notwithstanding the Cardwell Farm decision, CS policy 4 is out of date and the LHN should be used. Both appeal decisions have been Challenged and at the time of writing this Statement of Case and no Judgment has been issued.

- 4.11. Whilst South Ribble and Preston continue to take the view that CS policy 4 is out of date and the LHN should now be the basis for calculating the 5HLS in line with the Chain House Lane appeal decision, Chorley is of the view that the CS policy 4 should continue to be used to calculate the 5YHS by virtue of the 2017 Footnote 39 review, in line with the Cardwell Farm decision.
- 4.12. There are two live appeals in Chorley where this issue is being considered, where Chorley BC's case is that there is a housing supply in excess of 10 years based on CS policy 4 and the respective appellants' case is that there is approximately 2.5 years supply based on LHN. One of these appeals is the aforementioned Tincklers Lane/Town Lane appeal where the inquiry has now closed, and the decision is awaited. The other is an appeal relating to development at Land at Blainscough Hall, Coppull⁸ where the inquiry is due to commence in October 2021. In both instances the issue of whether there is a 5YHS and whether this should be based on CS policy 4 or LHN are key considerations.
- 4.13. The appellant contends that based on Local Housing Need Chorley Council is unable to demonstrate a deliverable five-year housing land supply. As identified above there are ongoing appeals and challenges in Chorley and the wider Central Lancashire Area. The appellant will address the relevance of these appeal decisions in their evidence, including the approach to housing requirement calculation.

⁸ Appeal: Blainscough Hall, Coppull (3275691)



5. Statement of Case

- 5.1. The Appellant's case can be summarised as follows.
- 5.2. Subject to conditions and s.106 obligations there would be no unacceptable impacts which would warrant the refusal of permission with regards to ecology, site access, arboriculture, flood risk/drainage, landscape / visual impact, loss of agricultural land, ground conditions, air quality or infrastructure and services. The proposals are acceptable in terms of accessibility to local services and community facilities by modes other than the private car and the scale of development is appropriate for Ecclestone in line with development plan policy. Whilst the subject application seeks outline permission with all matters reserved for future approval, the basic design principles as set out in the Design and Access Statement would enable a suitable detailed scheme to be secured at reserved matters stage in compliance with relevant Development Plan / Framework policy. This includes incorporating a satisfactory amount of on-site green/open space and avoiding unacceptable impacts on the amenities of neighbouring properties, including matters relating to privacy, overlooking, loss of light and overshadowing.
- 5.3. There has been no objection from relevant statutory consultees in relation to any of the above issues. There is also no suggestion in the OR relating to the subject application, or in the Council's decision notice, to indicate that the Council consider there to be any unacceptable impacts in relation to the above issues which would warrant the refusal of permission. Furthermore the site is designated as Safeguarded Land under Local Plan policy BNE3 and is therefore presumed to be suitable for development as a matter of principle otherwise the site would not have been designated as Safeguarded land. It is assumed that this will be confirmed as common ground in the SoCG and on this basis the Appellant does not intend to provide detailed evidence on these matters. However, if the Council or a third party were to raise specific issues the Appellant reserves the right to reconsider their position on this and provide evidence as necessary.
- 5.4. The Council's sole reason for refusal was conflict with LP policy BNE3, which in respect of Safeguarded Land states that "*development other than that permissible in the countryside whether Green Belt or other Open Countryside will not be permitted*". The Appellant does not dispute that the appeal proposals conflict with this policy in so far as



the development of 34 dwellings is not an identified acceptable form of development in the countryside.

- 5.5. It is assumed that it will be common ground that the appeal proposals comply with the Development Plan in all other respects.
- 5.6. It is the Appellant's case that there are material considerations which must be balanced against the conflict with Policy BNE3 and that the balance of weight falls in favour of the grant of planning permission.
- 5.7. As highlighted, the Appellant contends on the basis of Standard Method LHN the Council is unable to demonstrate a deliverable five year housing land supply. The appellant's evidence will address this matter in the setting of forthcoming appeal decisions and legal challenges.
- 5.8. In a scenario where there is not a deliverable 5YHS based on the LHN, Framework Footnote 8 is pertinent as this confirms that when there is not a 5YHS the most important policies for determining planning applications are automatically out-of-date for the purposes of Framework paragraph 11d). In these circumstances, paragraph 11d) requires local planning authorities to apply a presumption in favour of sustainable development where permission should be granted unless: i) the application of the policies in the Framework that protect areas or assets of particular importance provide clear reason for refusing the development, or ii) any adverse impacts would significantly and demonstrably outweigh the benefits. Hereafter this is referred to as the 'tilted balance'. Consequently, in the scenario where there is no 5YHS the 'tilted balance' is automatically engaged. It also is the Appellant's case that in the LHN scenario the basket of most important policies, which in this instance are CS policies 1 and 4 and LP policy BNE3, would be out of date irrespective of Footnote 8.
- 5.9. The aforementioned Pear Tree Farm appeal decision in Chorley was determined in the context of CS policy 4 being deemed out of date and there not being a deliverable 5YHS based on the LHN. It also related to an appeal where conflict with Policy BNE3 was a reason for refusal. In determining the appeal Inspector Hayden concluded:
 - i. In designating land as Safeguarded Land the Local Plan is effectively defining the settlement boundary and Policy BNE3 constrains the development of such land within the current plan period to offer long term protection to the Green Belt. Whilst



this approach is consistent with national policy, the boundaries of the Safeguarded Land and thereby the adjoining settlement boundaries, as identified on the LP Policies Map, are predicated on the housing requirement in CS policy 4. Case Law has confirmed that settlement boundaries may be out-of-date to the extent that they derive from out-of-date housing requirements, constraining the ability to meet housing need. On the basis that there was not deemed to be a 5YHS, the restriction on the development of Safeguarded Land in Policy BNE3 is preventing the Council from being able to provide an adequate housing land supply against its standard method LHN within the current plan period to 2026.

- ii. The emerging Central Lancashire Local Plan (CCLP) identifies all but one of the Areas of Safeguarded Land in Policy BNE3 as site proposals to meet the borough's housing needs for the period 2021-2036. Whilst the emerging CCLP is at an early stage and the final selection of housing allocations will be determined through the local plan examination process, the CCLP clearly recognises that land currently safeguarded in Policy BNE3 for development needs beyond the end of the current LP plan period in 2026, may need to be released before then to meet a housing requirement based on the standard method LHN.
- iii. Although limited weight can be attached to the emerging CLLP given it is at an early stage in the plan-making process, its recognition that Safeguarded Land may be released for housing development in the near future is a material consideration which reduces the weight that can be given to the conflict with Policy BNE3 in the appeal.
- iv. The most important policies are out-of-date, both on their own merits and because the Council is unable to demonstrate a 5YHS against the standard method LHN for Chorley. As such the 'tilted balance' in Framework paragraph 11(d) is engaged. As Safeguarded Land is not listed in Footnote 6 of the Framework (now Footnote 7), the policies in the Framework for the protection of areas and assets of importance do not provide a clear reason for dismissing the appeal. Only limited weight is to be given to the conflict with Policy BNE3 because it is out-of-date and the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework taken as a whole.



- 5.10. In particular, Inspector Hayden concluded that even if he were to conclude that the ‘tilted balance’ was not engaged and the ‘flat balance’ under section 38(6) were to be applied, *“the significant benefits of the proposal in addressing housing needs in Chorley would outweigh the harm due to the conflict with Policy BNE3 and its effects on the landscape, visual amenity and the significance of the heritage asset”*.
- 5.11. The Pear Tree Farm appeal decision was not challenged by the Council and in the scenario where LHN is used to calculate the 5YHS the same principles would apply to this subject appeal. As there are no identified negative effects beyond the conflict with policy BNE3 the balance of weight would fall in favour of the grant of planning permission.
- 5.12. In the scenario where CS policy 4 is used to calculate the 5YHS and the ‘tilted balance’ is not engaged, it is still relevant to note that the only impact which the Council identifies as sufficient to warrant refusal of permission is conflict with Policy BNE3. It is the Appellant’s case that even in the flat balance and a scenario where there is a 5YHS, there are still material considerations which outweigh the conflict with this policy.
- 5.13. Framework paragraph 59 identifies the need to significantly boost the supply of housing as a national objective and the Appellant will highlight various appeal decisions which demonstrate that contributing towards the supply of homes in line with this objective remains a benefit which can be given significant weight even in the context of there being a deliverable 5YHS. When considering the weight to give to the contribution towards the housing supply in this appeal, it is also relevant to note that the Council would only have a deliverable 5YHS based on the premise that Framework paragraph 74 and Footnote 39 refers to strategic policies which are over 5 years still being used if they have been reviewed and found not to require updating. However, the Footnote 39 review of CS policy 4 was in 2017 and will itself be over 5 years old in October 2022. The emerging CLLP confirms that the Central Lancashire Authorities are treating the standard method based LHN as the starting point for calculating the housing requirement for the emerging Local Plan, which covers the period from 2021. As already highlighted, Chorley has a significant housing shortfall based on the LHN.
- 5.14. Whilst LP Policy BNE3 looks to safeguard land for development until after the current LP period to 2026 this is based on the requirements in CS policy 4 and the emerging CLLP, which runs from 2021, is to be based on the LHN calculated using the standard method. The emerging CLLP also clearly recognises that safeguarded land will be



required to meet Chorley's housing requirements based on the LHN. Indeed, the emerging CLLP specifically identifies the appeal site as a site to meet Chorley's housing need. As already highlighted, there is a significant housing shortfall based on the LHN and the emerging CLLP recognises that Safeguarded Land may need to be released for housing development before the end of the current LP plan period in 2026. This is a material consideration which reduces the weight to be given to the conflict with Policy BNE3.

- 5.15. In addition to contributing towards the housing supply, the appellant is committed to delivering 35 percent affordable housing, equivalent to 12 dwellings on the site, and a Unilateral Undertaking / S106 agreement will be submitted to provide the means by which to deliver this commitment. At the Tincklers Lane appeal inquiry the Council accepted that there is a significant need for affordable housing in Chorley and that the provision of affordable housing represents a benefit of significant weight regardless of the 5YHS position. It is assumed that this remains the Council's position, although the Appellant reserves the right to provided evidence on the affordable housing need.
- 5.16. The Framework also identifies ensuring a sufficient number and range of homes as an essential part of supporting strong, vibrant and healthy communities. It states that policies and decisions should enable, inter alia, the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. It looks to locate housing where it will enhance or maintain the vitality of rural communities and requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services. On occupation the proposed new housing will increase the customer base for local services in Ecclestone and in so doing generate economic benefits and help maintain the vitality of rural communities.
- 5.17. New housing development also generates economic benefits during the construction period both in terms of the direct stimulus to the local economy and in terms of indirect benefits to local enterprise requiring a local labour force. Consequently, the appeal proposals will have positive economic consequences for local services in Ecclestone and the neighbouring villages, as well as generating economic benefits during the construction period.



- 5.18. Based on the above, and in the scenario where CS policy 4 remains the basis for calculating the 5YHS, it is the Appellant's case that there are still material considerations which outweigh the conflict with Policy BNE3. It is acknowledged that paragraph 143(d) and text of BNE3 identify that the permanent development of safeguarded land should only be permitted following an update to a plan which proposes development and the appellant will address this fully in their evidence. However it is contended that NPPF is a material consideration, the weight to be attached is a consideration for the decision maker, the consequences of waiting for the emerging Chorley Local Plan would perpetuate a shortfall against the Standard Method LHN requirement and fail to assist with the delivery of needed affordable housing. It is considered that there are compelling benefits of the proposal and the absence of any site specific constraints to development strongly support the granting of planning permission now.
- 5.19. In summary, and irrespective of whether there is a 5YHS and whether the decision is to be made in the 'tilted' or 'flat' balance, there are material considerations which justify a departure from the development plan.
- 5.20. The appellant reserves the right to add to or amend this Statement of Case in response to any material provided by the Council or any other party and where there has been a change in circumstance or policy position. The appellant also reserves the right to expand their case based on the outcome of any relevant ongoing appeals or challenges within the Central Lancashire area, where relevant.