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**Site Specific Proof of Evidence
Chris Betteridge MPLAN MRTPI**

Appeal in Chorley – Land at Parr Lane, Eccleston
3284702 (Appeal B)

January 2022



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1. Introduction

- 1.1. This Proof of Evidence is submitted on behalf of Metacre Ltd in support of their appeal against Chorley Council's refusal of planning permission as referenced below. It relates to site specific policy evidence and the planning balance in relation to this specific appeal.

Appeal B: Land South of Parr Lane, Ecclestone. Appeal ref. APP/N2345/W/20/3284702.

Qualifications

- 1.2. I am Chris Betteridge, Associate at De Pol Associates Ltd – Chartered Town Planning Consultants, based in Farrington, Leyland. I have a Master of Town Planning Degree from the University of Liverpool and I am a corporate member of the Royal Town Planning Institute. I have 17 years professional experience in the field of town planning.
- 1.3. I am familiar with the details of the case and the policies of the development plan.
- 1.4. I declare that the evidence which I have prepared and provide for this appeal in this Proof of Evidence is true and has been prepared in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions. I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty.
- 1.5. My evidence refers to background information set out in the Statements of Common Ground (SoCG), Statement of Case (SoC) and evidence provided by Mr Saunders, who is providing evidence on behalf of both appellants in this case in respect of housing and housing supply matters and also my evidence in respect of Strategic Policy Matters.
- 1.6. Mr Saunder's evidence relates wholly to the subject of housing supply and in particular the calculation of Chorley Council's five year housing land supply position, my Strategic Policy Proof relates to the most important policies and whether they are to be considered out-of-date for the purposes of paragraph 11 of NPPF.
- 1.7. This proof of evidence relates to site specific issues associated with the appeal and concludes with a final balancing exercise.



2. Background

Site Description

- 2.1. A site description is included within the Planning SoCG¹ and the appellant's Statement of Case².

Proposed Development

- 2.2. The Appeal seeks outline permission for up to 34no. dwellings with all matters reserved for future approval.
- 2.3. The appeal is supported by an indicative layout which was submitted as part of the application to the Council. The indicative layout provides one interpretation of how the site could be developed whilst taking account of relevant Council Policy.
- 2.4. The indicative layout includes a single vehicular point of access through a continuation of Sandringham Road entering the site from the west. A separate private drive is identified to serve three bungalows on the northern boundary of the site off Parr Lane and a new pedestrian footpath link from Richmond Road is proposed in the south west of the site.
- 2.5. The indicative layout incorporates a variety of house types and sizes generating a mixed community from one bedroom apartments up to four bedroom detached houses.
- 2.6. The proposal includes for 35% affordable housing and a Section 106 agreement will be submitted to the inquiry to this effect.

¹ **CD10.5** Planning Statement of Common Ground

² **CD10.2** Statement of Case

3. Policy Context

- 3.1. The SoCG sets out the Development Plan context and lists relevant policies therein. My proof in respect of strategic policy responds to the issues of the most important policies and the tilted balance. My evidence refers specifically to the following elements of the Development Plan.

Central Lancashire Core Strategy

- 3.2. The Central Lancashire Core Strategy (CS) sets out the spatial strategy for the sub region to 2026. It is a joint CS between Preston City Council, South Ribble Borough Council and Chorley Borough Council and covers these three administrative boundaries. It was adopted in July 2012.
- 3.3. The SoCG identifies the policies of relevance to the subject application and confirms that it is common ground that the appeal proposal does not conflict specifically with any policies in the Core Strategy. Notwithstanding this, relevant important policies are considered and responded to in my Policy proof.

Chorley Local Plan

- 3.4. The Chorley Local Plan (LP) was adopted in July 2015 and sets out development management policies and allocates or protects land for specific uses in line with the Core Strategy.
- 3.5. The reason for refusal confirms that the only conflict with the LP is with policy BNE3. This policy is considered in my Policy Proof. More detailed policies are referenced in my evidence where relevant.

Emerging Plan

- 3.6. The three Central Lancashire authorities are currently working towards the preparation of a replacement Central Lancashire Local Plan (CLLP). This is at a very early stage of production with the stage 1 consultation on Issues & Options (I&O) having closed in February 2020. The February 2020 Local Development Scheme predicted the stage 2 Preferred Options being published for consultation between June/August 2021 and the stage 3 Publication Draft consultation occurring between October/December 2022.



The authorities expect the draft Plan to be submitted to the Planning Inspectorate in March 2023, with adoption at the end of 2023. However, the combined authorities are now suggesting a revised Local Development Scheme will be published in early 2022 suggesting a potential delay in progress.

4. Planning Assessment

- 4.1. There are no site specific reasons for refusal associated with this appeal. Furthermore no planning harm is alleged on a site specific basis. The Council's reason for refusal relates to non-conformity with a single policy in the Local Plan, Policy BNE3, and relates to whether a site safeguarded for future development should come forward now or at some point in the future. Consequently, the central issue is essentially one of timing.

Technical Matters and Infrastructure / Services

- 4.2. The following is common ground (subject to proposed conditions and S106 obligations) between the appellant and Council:

- **Highways.** The proposed access arrangement is acceptable and the level of trips generated by the proposed development can be acceptably accommodated within both the local and strategic road network.
- **Ecology.** The appeal site does not form part of a statutory or non-statutory designated site for nature conservation, nor would the appeal proposals detrimentally affect a statutory or non-statutory designated site. Furthermore, the appeal proposals would not result in unacceptable adverse impacts on protected species or their habitats.
- **Flood Risk / Drainage.** The appeal site is located within Flood Zone 1 and surface water can be appropriately managed to avoid an increased risk of flooding on and off site.
- **Infrastructure and Services.** There are no constraints relating to infrastructure and services which would make the appeal proposals unacceptable.

- 4.3. Subject to the s.106 obligations and conditions there are no objections from the statutory consultees to the grant of planning permission which relate to technical issues or infrastructure / services. There is also no suggestion that there are any such issues which would warrant the refusal of planning permission.



Accessibility

- 4.4. The appeal site is considered to be in a highly accessible location which is not contested by the authority in their reason for refusal. It is common ground that the site is in a sustainable location³.
- 4.5. The appeal site is located immediately adjacent to the settlement of Ecclestone which is identified under CS Policy 1 as a Rural Local Service Centre. The CS identifies that Rural Local Service Centres '*are well placed to provide for local housing and employment needs*'⁴. The Council has not suggested in the reason for refusal or Statement of Common Ground that the development of the application site would be contrary to this policy.
- 4.6. Ecclestone benefits from a comprehensive Service Centre based around the Carrington Centre at New Mill Street. This is accessible on foot from the appeal site via footpath connections via Richmond Road onto Drapers Avenue. Carrington Centre incorporates, amongst other services:
- Post Office;
 - Convenience store;
 - Bakery; and
 - Library.
- 4.7. Immediately south west of the site is Ecclestone recreation ground, including a children's play area which can be accessed via a footpath connection from Richmond Road, approximately 100 metres away.
- 4.8. Regular bus services operate along The Green B5250 to Chorley and Wigan linking the village to the higher order settlements and associated employment opportunities. The bus stops are approximately 600 metres away and are considered to be within a reasonable walking distance.
- 4.8. A plan of local facilities is included at Appendix 1.

³ CD10.2 Planning Statement of Common Ground para. 5.12

⁴ CD6.1 Central Lancashire Core Strategy (2012) para. 5.52



- 4.9. NPPF paragraph 152 seeks to support a transition to a low carbon future whilst NPPF paragraph 110 states that it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up . Given the sustainable location of the site within proximity of existing local services and public transport the appeal proposal will support this transition with the site located to allow sustainable transport modes to be used. The appeal proposal will provide housing where there is no requirement for reliance on private transport to access local services and public transport.
- 4.10. The appeal site is considered to be in an accessible location with easy access to local services and public transport.

Residential Amenity and Reserved Matters

- 4.11. Whilst the subject application seeks outline permission with all matters reserved for future approval, it is common ground that the appeal proposal would enable a suitable detailed scheme to be secured at reserved matters stage in compliance with relevant planning 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. It is not part of the Council's case that the appeal warrants refusal on any matter relating to impact on residential amenities or detailed design matters.
- 4.12. Chorley, in combination with the other Central Lancashire authorities, has undertaken a number of *Call for Sites* to inform the local plan process. Of the submitted sites the appeal site was identified specifically by the Council to be taken forward as part of the emerging Plan as a potential site for development. The site has been subject to consultation with Chorley Councillors and no objection or concerns had been raised to the site by any councillors who responded to that process⁵.

Site Suitability and Safeguarded Land

- 4.13. The appeal site is identified as Safeguarded Land by Policy BNE3. Policy BNE3 describes the designation as "*Areas of Land Safeguarded for Future Development Needs*" whilst the explanatory test to the policy states that it is "*safeguarded for future development needs beyond the plan period*"⁶. This is reflective of NPPF paragraph

⁵ **CD6.31** Central Lancashire Issues and Options Consultation November 2019 – Annex 2

⁶ **CD6.2** Chorley Local Plan para. 7.16



143 which states safeguarded land should be identified “to meet longer term development needs”.

- 4.14. Given the reason for refusal only relates to the fact that the site is Safeguarded Land and there are no other site specific issues, the question is not *whether* the appeal site should be developed but *when* it should be developed. Whilst the Safeguarded Land policy restricts the timing of development it also serves to confirm that the site is suitable for development. With no other reasons for refusal it can only be concluded that the site represents sustainable development save for the timing restriction imposed by Policy BNE3.
- 4.15. The appeal proposal accords with the Development Plan with the only exception being Local Plan Policy BNE3 where there is an acknowledged conflict. However, as outlined in my Policy Proof limited weight should be given to this conflict due to the significant change in circumstances associated with the introduction of Standard Method Local Housing Need need for housing and the need to develop sites for housing in advance of the end of the current Plan Period. There is no site specific harm associated with the development of the site, the only harm is conflict with Policy BNE3.

Benefits of the Appeal Proposal

- 4.16. There are a number of benefits associated with the appeal proposal and these are identified below.

Social and Economic Benefits of Market Housing

- 4.17. NPPF confirms how delivering housing is a key component in delivering the economic and social objectives of sustainability.
- 4.18. NPPF Chapter on ‘*Building a strong, competitive economy*’ confirms in paragraph 81 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight placed on the need to support economic growth and productivity. In this context paragraph 82c) goes on to refer to addressing potential barriers to investment, which includes inadequate infrastructure and housing.
- 4.19. NPPF paragraph 8 identifies that ensuring a sufficient number and range of homes is an essential part of supporting strong, vibrant and healthy communities.

- 4.20. NPPF paragraph 84 d), under the heading ‘*Supporting a prosperous rural economy*’, also 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.
- 4.21. It is logical that on occupation new housing will increase the customer base for local services and in so doing generate economic benefits. This is reflected in Framework paragraph 78 in so far as it states that to promote sustainable development in rural areas:
- “housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
- 4.22. 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. The House Builders Federation online calculator estimates that a scheme of 34 dwellings would support the employment of 104 people and provide 1 apprenticeship. Whilst this is an estimate it nevertheless provides an indication of the number of jobs the appeal proposal would support.
- 4.23. As identified in the evidence provided by Mr Saunders, the Council is only able to demonstrate a 2.5 year housing land supply against the Standard Method Local Housing Need which represents a significant shortfall. The appeal proposal will contribute towards meeting this shortfall in the five year supply and this represents a significant benefit as identified by the Inspector at Pear Tree Lane⁷.
- 4.24. As identified in my Strategic Policy proof of evidence, it is considered that the policies most important for determining this appeal are out of date. However, if this is not considered to be the case there is evidence in appeal decisions that the delivery of market housing and its associated benefits should be given significant weight in the determination process notwithstanding the existence of a five year housing land

⁷ CD8.1 Appeal – Land at Pear Tree Lane, Chorley APP/D2320/W/20/3247136 para. 105



supply. This was also the case in the Pear Tree Lane appeal where the Inspector concluded that even if the tilted balance was not engaged that the appeal would have been approved on the basis of the flat balance⁸. The appeals are detailed below.

- 4.25. At the recovered appeal for Rilshaw Lane, Winsford in October 2015, the Council's case (Cheshire West and Chester) was that the policies relating to housing supply were in date and that there was no pressing need to meet a shortfall⁹. In this context the Inspector concluded that bearing in mind objectives, including the need to boost supply, the delivery of housing was attributed '*significant weight*'¹⁰.
- 4.26. More recently in July 2020 the SoS granted permission for a mixed-use development at Nantwich, Cheshire East which included 189 dwellings. The SoS decision confirms that the proposals conflicted with a recently adopted Development Plan (adopted in 2017), that there was a 5 year housing land supply ranging between 5.7 years to 6.6 years and that the Framework 'titled balance' was not engaged¹¹. Nevertheless, the SoS concludes that the delivery of market housing is a significant benefit¹².
- 4.27. This was also in the context of the 5.7 to 6.6 year housing land supply being based on a Local Plan annual housing requirement which was adopted prior to the introduction of the standard method and which is significantly higher than the Local Housing Need figure produced by the standard methodology. It is also in the context of the Council's 2019 Housing Delivery Test result published in February 2020 being 230%¹³.
- 4.28. Furthermore, in a s.78 appeal at Hamble-le-Rice in December 2018 the decision letter highlighted the housing supply as being between 7.2 and 10 years and confirmed that there was a conflict with the adopted Local Plan and that the Framework 'titled balance' was not engaged. In this context, the Inspector stated that in the setting of the national objective to boost the supply of homes that the delivery of housing carried significant weight¹⁴.

⁸ **CD8.1** Appeal – Land at Pear Tree Lane, Chorley APP/D2320/W/20/3247136 para. 105

⁹ **CD8.34** Appeal – Land off Rilshaw Lane, Winsford APP/A0665/A/14/229269 IR para. 6.6

¹⁰ **CD8.34** Appeal – Land off Rilshaw Lane, Winsford APP/A0665/A/14/229269 SoS para. 16

¹¹ **CD8.25** Appeal – Audlem Road, Stapeley Nantwich APP/R0660/A/13/2197529 SoS para. 23

¹² **CD8.25** Appeal – Audlem Road, Stapeley Nantwich APP/R0660/A/13/2197529 SoS para. 28

¹³ **CD8.25** Appeal – Audlem Road, Stapeley Nantwich APP/R0660/A/13/2197529 SoS para. 8

¹⁴ **CD8.35** Appeal – Satchell Lane, Hamble-le-Rice, Eastleigh APP/W1715/W/18/3194846

- 4.29. The appeal was approved and the LPA (Eastleigh Borough Council) challenged the decision but the Judgement issued in July 2019 dismissed the LPA's grounds for challenge¹⁵.
- 4.30. The above decisions demonstrate that significant weight remains to be attached to the benefits of delivering market housing even where there is a deliverable 5 year housing land supply due to the national objective of significantly boosting the supply of homes and the economic and social benefits arising from such development.
- 4.31. In the case of this appeal it is considered that the Council is only able to demonstrate a 2.5 year housing land supply in accordance with Mr Saunders' evidence. This level of supply is considerably lower than in the examples identified above. In the context of the Council not having a 5-year supply the delivery of housing is to be considered in the context of the tilted balance and presumption in favour of sustainable development.
- 4.32. In the setting of the tilted balance the delivery of market housing carries significant weight. Where the tilted balance does not apply, the referenced appeal cases demonstrate that the delivery of market housing can still be afforded significant weight in the planning balance. Given the circumstances in Chorley it is my opinion that the social benefits from contributing towards delivering market housing continues to carry significant weight in the planning balance whilst economic benefits are attributed moderate weight.

Affordable Housing

- 4.33. CS policy 7 and the Central Lancashire Affordable Housing SPD require new housing developments within the rural area to deliver 35% on-site affordable housing. It is proposed that the appeal scheme delivers this affordable housing requirement and a Section 106 will be submitted as a means by which to deliver this.
- 4.34. It is common ground that there is a significant need for affordable housing in Chorley. This need is underlined by the Council's 2020 Housing Study which identifies a need for 132 affordable dwelling per annum. The 2020 Housing Study also confirms that "*there is a substantial need for additional affordable housing*"¹⁶ and an "*acute need for affordable rented housing*"¹⁷ in Chorley and across Central Lancashire.

¹⁵ **CD8.36** Eastleigh BC v SoS Communities and Local Government [2019] EWHC 1862 (Admin)

¹⁶ **CD6.21** Central Lancashire Housing Study 2020 pg. 47

¹⁷ **CD6.21** Central Lancashire Housing Study 2020 pg. 47

- 4.35. NPPF seeks 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*”. In this context the benefit of affordable housing is significant.
- 4.36. Further to the above the appeal examples below show that a policy compliant provision of affordable housing carries significant weight.
- 4.37. *Nantwich*. In the Nantwich appeal decision of July 2020 the SoS considered the provision of a policy compliant amount of affordable housing (30%)¹⁸, in the context of there being a deliverable 5-year housing land supply¹⁹, and concluded that this affordable housing provision “*is a tangible benefit and merits significant weight*”²⁰.
- 4.38. *Winsford*. In the Winsford appeal decision of October 2015 the proposal included 30% affordable housing provision which reflected the policy requirement, in the context of a 5 year housing land supply²¹, and the SoS states that the affordable housing was attributed “*significant weight*”²².
- 4.39. *Hamble-le-Rice*. In the Hamble-le-Rice appeal decision of December 2018 the Inspector states that the provision of affordable housing “*weighs significantly in favour of the proposal*”²³ The proposed 35% affordable housing provision was also the Local Plan policy requirement²⁴.
- 4.40. In addition to the above appeals at the Pear Tree Lane appeal in Chorley the Inspector identified the delivery of policy compliant affordable housing as a “*significant social benefit*”²⁵.
- 4.41. In terms of affordable housing delivery, as identified earlier, the 2020 Housing Study identifies a need in Chorley for 132 affordable dwellings per annum. Chorley is currently suggesting that their housing requirement, due to oversupply in previous

¹⁸ **CD8.25** Appeal – Audlem Road, Stapeley Nantwich APP/R0660/A/13/2197529 IR para. 415

¹⁹ **CD8.25** Appeal – Audlem Road, Stapeley Nantwich APP/R0660/A/13/2197529 SoS para. 23

²⁰ **CD8.25** Appeal – Audlem Road, Stapeley Nantwich APP/R0660/A/13/2197529 SoS para. 29

²¹ **CD8.34** Appeal – Land off Rilshaw Lane, Winsford APP/A0665/A/14/229269 IR para. 4.1

²² **CD8.34** Appeal – Land off Rilshaw Lane, Winsford APP/A0665/A/14/229269 SoS para. 16

²³ **CD8.35** Appeal – Satchell Lane, Hamble-le-Rice, Eastleigh APP/W1715/W/18/3194846 para. 47

²⁴ **CD8.35** Appeal – Satchell Lane, Hamble-le-Rice, Eastleigh APP/W1715/W/18/3194846 para. 8

²⁵ **CD8.1** Appeal – Land at Pear Tree Lane, Chorley APP/D2320/W/20/3247136 para. 12



years, is 109 dwellings per annum. If Chorley Council continues to apply this figure it is clearly evident that the affordable housing need identified in the Housing Study cannot be met. Within the 109 dwellings per year, even if all of the sites included the higher end of the CS Policy 7 affordable housing requirement of 35 percent this would only equate to 38 dwellings per year, or 29 percent of the affordable housing need in Chorley. It is therefore evident that this will not deliver Chorley's affordable housing need.

- 4.42. In summary, the appeal proposals will provide 35% on-site affordable housing which is a benefit that affords significant weight in the planning balance. Chorley Council has a need of 132 dwellings per annum, this does not change if it is concluded that the Council is able to demonstrate a five year housing land supply. As highlighted above, going forward on the best case scenario the Council will only deliver 38 dwellings per year. The need for affordable housing is acknowledged as “substantial” and “acute” and these are real households in need of housing now. Even if the Council can demonstrate a 5 year housing land supply position the substantial and acute need for affordable housing remains. The delivery of affordable housing carries significant weight in the planning balance

On-site Open Space and Biodiversity

- 4.43. The appeal proposal will provide on-site public open space and potential for biodiversity enhancement in line with policy. The reserved matters will incorporate additional tree planting on the site which will have a beneficial impact particularly for climate change.

Sustainable Development

- 4.44. NPPF paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives. These are grouped into an economic objective, social objective and environmental objective and each are considered in turn.

Economic Objective

- 4.45. Paragraph 8 broadly defines this as helping build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right



places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- 4.46. The economic benefits which will be secured through the appeal proposals have already been highlighted and these are benefits which would be secured irrespective of the 5 year housing land supply position.
- 4.47. On balance, the appeal proposals would therefore comply with the economic objective of sustainability and will secure net gains in this regard. Indeed, the economic benefits weigh in favour of the grant of planning permission.

Social Objective

- 4.48. As highlighted, the contribution towards the supply of market and affordable housing attracts significant positive weight in terms of helping to deliver the social objectives of sustainable development as set out in the Framework, irrespective of whether there is a deliverable 5 year housing land supply.
- 4.49. As already highlighted, the appeal site is suitably accessible to facilities, services and public transport.

Environmental Objective

- 4.50. Paragraph 8 broadly defines this as contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.51. There are no identified heritage assets for the appeal proposal to impact on.
- 4.52. Whilst, the appeal developments would change the character of the appeal site on the edge of the settlement it is common ground that there is no conflict with CS policy 17, or LP Policies BNE1 or BNE10. The Officer's Committee Report identifies that whilst in outline the proposal could be delivered "*without detriment to the appearance of the site or character of the streetscene*"²⁶.

²⁶ CD3.14 Officer Committee Report para. 123

4.53. With regards to protecting and enhancing our natural environment, NPPF paragraph 174 refers to planning policies and decisions contributing to the following objectives, which are addressed in turn.

a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

It is common ground that the appeal site is not a valued landscape, nor is it a site of specific biodiversity / geological value.

b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

There is no woodland on the appeal site and the appeal proposals present an opportunity for net gain in terms of tree planting. It is common ground at this appeal that there is no conflict with CS policy 21.

c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

This is not applicable to the appeal proposals.

d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

It is common ground that the appeal site does not form part of any statutory or non-statutory designated site for nature conservation and there are no biodiversity impacts that would warrant refusal of the appeal.

e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

There are no objections from statutory bodies relating to any of the above, nor does the Council suggest that the appeal proposals are unacceptable in this regard.



f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*

NPPF paragraph 117 also refers to making as much use as possible of previously developed or 'brownfield' land, however, the NPPF does not state that greenfield development is unsustainable. Furthermore Chorley Council has identified greenfield land, including the appeal site, for allocation in the emerging plan, likely to be required for release in advance of the end of the current plan period. It is accepted that greenfield land is required to meet housing needs and there is no conflict with this requirement.

- 4.54. It is common ground that the local highway and transport network can satisfactorily accommodate the proposed development and that the site is accessible to local services and facilities by walking and cycling. It is common ground that there are no unacceptable environmental impacts including air quality. The appeal proposals comply with objectives to promote sustainable transport.
- 4.55. With regards to mitigating and adapting to climate change, including moving to a low carbon economy, the Committee Report confirms that the proposals could achieve the required emission rate and this would be secured by condition²⁷. Furthermore, the appeal proposals are not sited within locations at high risk of flooding.
- 4.56. In summary, on balance the appeal proposals comprise sustainable development. This was evidently accepted by Chorley Council when the site was identified as safeguarded land and subsequently, as part of the emerging local plan process when the site was identified for residential allocation.

Planning Balance

Tilted Balance

- 4.57. For reasons already highlighted in my Strategic Policies Proof and/or the Council's lack of a demonstrable five year supply as demonstrated in Mr Saunders' evidence my starting position is that the Framework paragraph 11d) tilted balance is engaged, which means planning permission should be granted unless:

²⁷ CD3.24 Planning Officer Committee Report para. 159



- i) The application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- ii) The impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

4.58. It is common ground that i) above is not applicable to the appeal.

4.59. With regards to ii) above, the appeal proposals will secure the following benefits:

- contribution towards the supply of housing, which for reasons stated is a social benefit of significant weight;
- contribution towards affordable housing, which for reasons stated is a social benefit of significant weight;
- economic benefits, which for reasons stated carry moderate weight;
- environmental benefits associated with the development including the planting of trees and nature conservation enhancements, in line with the Council's Ecologist's recommendations²⁸, which carry moderate weight.

4.60. The appeal proposal generally complies with the Development Plan other than its conflict with BNE3, as referenced in the reason for refusal and there is no identified site specific planning harm. It is also common ground that subject to the s.106 obligations and conditions there are no impacts relating to technical issues or infrastructure / services which would warrant a refusal of the scheme proposals.

4.61. The Council's Statement of Case does not identify any negative impacts or consequences associated with the development of the appeal site for housing beyond non-compliance with BNE3.

4.62. Mr Saunders demonstrates that the Council is only able to demonstrate a 2.5 year housing land supply against the Standard Method Local Housing Need. The application proposal will make a contribution towards the housing need in Chorley and towards the securing of a five year housing land supply as required under paragraph 73 of NPPF. This is a significant factor in the setting of the NPPF objective to boost

²⁸ **CD4.9** Council's Ecology Consultee response



significantly the supply of homes, particularly in the setting of the Council's current 2.5 year supply and the level of shortfall which needs to be made up.

- 4.63. The most important policies for assessing the application are out-of-date. The conflict with policy BNE3 should be afforded limited weight, as there is a need to deliver housing now and to develop safeguarded land in advance of the end of the plan period. The Council acknowledge Safeguarded Land will be required going forward and there are no site specific issues which preclude development. There are no adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the NPPF and planning permission should be granted. This was the conclusion reached by the Pear Tree Lane appeal Inspector²⁹.

Flat Balance

- 4.64. Even in a scenario where there is a 5 year housing land supply and/or that the most important policies for determining the appeal are not considered out of date, it is my opinion that the appeal proposals should be approved under the flat planning balance in the setting of other material considerations.
- 4.65. The previously mentioned appeal decisions provide examples of where adopted Development Plans can be outweighed by the type of benefits applicable to the appeal proposal in the flat planning balance.
- 4.66. Even if CS Policy 4 is considered to be the appropriate approach to calculating the 5 year housing land supply, the Standard Method Local Housing Need figure is a material consideration of itself. Important to this is the fact that the MOU and associated review between the Central Lancashire authorities will be five years old in September 2022. At this point the Standard Method Local Housing Need would become Chorley's housing figure by default in accordance with NPPF paragraph 74 and accompanying footnote 39. Given the uplift in Standard Method Housing Need figure of 564 dpa against the current annual figure used by Chorley Council of 109 dpa, there will be a significant change which is material in assessing the appeal, particularly in the setting of the housing requirement being a minimum not a target.
- 4.67. Chorley is a local authority heavily constrained by Green Belt and therefore has limited opportunities for development. Safeguarded Land has previously been assessed and

²⁹ **CD8.1** Appeal – Land at Pear Tree Lane, Chorley APP/D2320/W/20/3247136 para. 105



considered suitable for development, Safeguarded Land can be used to contribute towards meeting this increasing housing need.

- 4.68. The emerging Local Plan also represents a material consideration including the fact that the site has been proposed for allocation by Chorley Council and no Councillors have objected to the sites allocation for residential development in principle. The emerging Local Plan identifies all but one of the Safeguarded Sites designated under BNE3 for housing development. The Plan Period for the emerging plan started in 2021 and as such Safeguarded Land will likely be made available for development before the end of the current plan period³⁰. Furthermore the Plan period for the emerging Plan commenced in 2021.
- 4.69. South Ribble and Preston Council's decision to not apply CS Policy 4 is another consideration in the process and the lack of a combined approach between the authorities meaning that across the Housing Market Area neither CS Policy 4 nor the Housing Market Area wide Local Housing Need will be delivered. This is particularly in the context of the NPPF objective to boost significantly the supply of homes, all of which must be weighed against CS Policy 4 and by association Local Plan Policy BNE3 together with the emerging plan and reasons identified above.
- 4.70. Ultimately there is no site specific harm associated with the development of the appeal site and this is not contested by the Council. The lack of identified site specific harm must be directly weighed against conflict with Policy BNE3. In this context it is considered that there is no unacceptable impacts in respect of:
- amenity;
 - highway network;
 - ecology or biodiversity;
 - drainage or flooding;
 - landscape character; or
 - the character and appearance of the locality.
- 4.71. The proposal will deliver up to 12 affordable homes as part of the development. It is common ground that there is a substantial need for affordable housing in the Borough and as such the delivery of affordable housing to meet a current need must carry very substantial weight.

³⁰ **CD8.1** Appeal – Land at Pear Tree Lane, Chorley APP/D2320/W/20/3247136 para. 50.



- 4.72. For the reasons stated, even in a scenario where policy is not considered to be out-of-date the aforementioned social and economic benefits from contributing to the housing supply still carry significant and moderate weight respectively.
- 4.73. Consequently, even in a flat balance it is my opinion that when the Development Plan and material considerations are taken into account the balance of weight still falls in favour of grant of planning permission for the appeal.

5. Third Party Comments

- 5.1 Six individual letters of representation were submitted to the Planning Inspectorate in respect of the appeal. Similar themes are raised in these representations and as such they are considered thematically below.
- 5.2 A number of objections raise issues relating to technical matters including highway impact / safety, ecological impact, noise and flood risk. The subject applications have been supported by a range of technical surveys and assessments and as highlighted there are no objections to the grant of planning permission by the statutory consultees in relation to such matters, nor does the Council suggest that there are any technical grounds to refuse permission on this basis.
- 5.3 Objections make reference to the scale of development proposed. The appeal proposal is for up to 34 dwellings at a density of up to 23 dwellings per hectare. This reflects the scale and density of development in the surrounding area and Ecclestone more generally. According to census data at 2011 the Built up Area of Ecclestone had a resident population of 4,641. The average household size in the UK is 2.4 people, therefore on this basis Ecclestone will have approximately 1,934 households. On the basis of 2011 census the appeal proposal, for up to 34 dwellings, represents an increase in households of 1.8 percent. It is not considered that the scale of development proposed is out of keeping with the scale of the existing settlement.
- 5.4 There are objections on the basis of pressure on local services. In respect of schools Lancashire County Council³¹ was consulted on the application who confirmed no requirement for a contribution. In respect of other services I am unaware of any evidence or objection from service providers which would suggest local services are at capacity. By contrast the delivery of additional housing in Ecclestone will support existing local services and businesses.
- 5.5 The Council has assessed the site and considers it to be a site suitable for allocation in the emerging Local Plan. Council members have been specifically consulted in

³¹ CD4.8 Lancashire County Council Schools Consultee response



respect of the identification of the appeal site for allocation and no specific objections were raised³².

³² **CD6.47** Central Lancashire Issues and Options Consultation November 2019 – Annex 2

6 Conclusion

- 6.1 It is evidenced that the Council can only demonstrate a 2.5 year housing land supply and as such the tilted balance is triggered in accordance with NPPF paragraph 11d) footnote 8. Notwithstanding this it is considered that the most important policies, CS Policy 1, CS Policy 4 and Local Plan Policy BNE3 are out of date for the purposes of this appeal and that NPPF Paragraph 11 d) should apply in any event and the appeal should be determined in this context.
- 6.2 Irrespective of whether there is deemed to be a 5-year housing land supply and whether the tilted balance is being applied, the social benefits from contributing towards the supply of housing carries significant weight and the economic benefits carry moderate weight in the planning balance. There are other material considerations in respect of the Standard Method Local Housing Needs requirement becoming the default housing need position for Chorley in September 2022, and the positions taken by the other two Central Lancashire authorities in relation to Local Housing Need.
- 6.3 There is also a need for affordable housing in Chorley now and the appeal site will provide 35% on-site affordable housing. This is a benefit which should be afforded significant weight in the planning balance irrespective of the 5 year housing land supply position.
- 6.4 Subject to s.106 obligations and conditions there are no objections from the statutory consultees to the grant of planning permission for the appeal which relate to technical issues or infrastructure / services. There is also no suggestion that there are any such issues which would warrant the refusal of the appeal, either in the Council's reason for refusal or in their appeal Statement of Case. This includes matters relating to highways, ecology, flood risk/drainage, air quality, heritage impact and infrastructure / services.
- 6.5 It is common ground that suitable detailed scheme could be secured at reserved matters stage in compliance with relevant Development Plan / NPPF policy. This includes incorporating a satisfactory amount of on-site green/open space and avoiding unacceptable impacts on the amenities of neighbouring properties.



- 6.6 In terms of accessibility the site is located on the edge of a rural service centre with services, facilities and public transport connections within walking distance. The site is also within a short distance of Ecclestone Rereation Ground and associated children's play area.
- 6.7 The Council acknowledge the site is suitable for development and that the site may be required to deliver housing need in advance of the end of the plan period. This is demonstrated by the emerging local plan with all but one of the safeguarded sites proposed for potential development. Furthermore there are no unacceptable impacts associated with the development of the site subject to conditions and S106 agreement.
- 6.8 In conclusion, there are no impacts which would significantly and demonstrably outweigh the benefits and as such outline planning permission for the appeal should be granted. In my opinion this is the case irrespective of whether the tilted balance is engaged due to the lack of a 5 year housing land supply for reasons identified by Mr Saunders or the basket of most important policies being out of date on other grounds, as set out in my Strategic Policy Proof.
- 6.9 Even in a scenario where there is a 5 year housing land supply and/or that the basket of most important policies for determining the appeal are not out of date, the weight to be given to the conflict with BNE3 is tempered even in the flat balance for reasons set out in my Strategic Policy Proof. Furthermore, even in a scenario where there is a five year housing land supply the aforementioned social and economic benefits from contributing to the housing supply still carry significant and moderate weight respectively. The contribution to affordable housing also still carries significant weight. This reflects the view reached by the Inspector when considering the appeal on Safeguarded Land in Chorley at Pear Tree Lane
- 6.10 Consequently, even in a flat balance scenario when the Development Plan and material considerations are taken into account the balance of weight still falls in favour of granting planning permission for the appeal.



Appendix 1

Plan of Local Community Facilities and Application Site

Appendix 1: Plan of Local Community Facilities and Application Site

