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Statement of Case

on behalf of

Hollins Strategic Land LLP

for an appeal against the refusal of

Chorley Borough Council

to grant planning permission for an

**Outline application (specifying the access point) for the development of
up to 25 dwellings and associated infrastructure
(including 35% affordable housing)**

Land at

Carrington Road, Adlington

October 2021
sa 4939

STATEMENT OF CASE ON BEHALF OF THE APPELLANT

1. Introduction

1.1. This appeal is against the refusal of Chorley Borough Council to grant outline planning permission (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing). The application was refused on 13/04/2021 for three 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.

1.2. The planning application was validated by the LPA on 09/11/2020. It was reported to the planning committee on 12/04/2021 in main and supplemental reports.

2. Case for the Appellant

2.1. The main planning issues in this case are:

- Whether or not the Council is able to demonstrate a five-year housing land supply;
- Whether or not the most important policies of the Development Plan for determining the appeals are out-of-date;
- Whether the proposals would include inappropriate development in the Green Belt;
- Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity;
- Whether any adverse effects, including conflict with the Development Plan considered as a whole, would be outweighed by other material considerations.

2.2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

2.3. The Development Plan comprises:

- Central Lancashire CS (adopted July 2012 and covering 2010 - 2026);
- Chorley Local Plan (adopted July 2015 and covering 2012 - 2026); and
- Lancashire Minerals and Waste Local Plan, adopted in March 2009

2.4. The site is Safeguarded Land under Local Plan policy BNE3. This policy is severely restrictive of development in Safeguarded Land and its supporting text follows the NPPF in stating that the purpose of Safeguarded Land is to provide for future needs beyond the Plan period. The NPPF provides that on such land planning permission “*should only be granted following an update to a plan which proposes the development.*” It follows that the starting point in this appeal is that the proposals are not in compliance with the Development Plan. Therefore, as a determination is to be made in accordance with the Development Plan unless material considerations indicate otherwise, a proposal to develop on Safeguarded Land requires a balance to be struck between the breach and the benefits of the scheme.

Issue 1 Whether or not the Council is able to demonstrate a five-year housing land supply;

- 2.5. The Council's Five Year Housing Supply Statement for Chorley, May 2021, at Table 7 calculates that there is a 14.4 year supply of housing land. This relies on deducting completions above the minimum Policy CS4 requirement of 417 dwellings a year being deducted from the future housing land requirement. This approach, which includes the required 5% buffer, provides an annual requirement of 109 dpa dwellings, which falls far below the average annual completion rate over the past 11 years of 574 dwellings. It is also based on the out-of-date Policy CS4 requirement and not the current standard method.
- 2.6. At a time when the government's revised National Planning Policy Framework, published earlier this year, restates at §60 the governments objective of significantly boosting the supply of homes CBC uses a method of calculation of housing land supply that is clearly flawed in that it reduces the annual requirement to a quarter of the policy requirement and less than a fifth of the actual outturn of additional homes in the borough over the past 11 years.
- 2.7. Not only does Chorley's calculation of housing requirement fail by a wide margin to deliver on the government's objective of significantly boosting housing supply, it fails to take into account the annual need for new affordable homes estimated, for instance, in the SHMA 2017 as 146 dpa. Therefore, even if all the new dwellings met the tests for affordable homes, the councils affordable housing deficit would increase significantly year on year.
- 2.8. The appellant will conclude that CBC is failing to meet the requirements of national planning policy by a wide margin in using a method of deducting dwellings completed above the minimum requirement from its housing requirement and in fact has only a housing land supply of between 2.5 and 3.5 years.
- 2.9. Notwithstanding the conclusions on five-year housing land supply, the appellant will show that the NPPF recognises small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The NPPF requires authorities to identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. The appellant will

show that the Council's forward supply of small and medium-sized sites is insufficient to meet this requirement and that the appeal site would make a worthy contribution. The appellant will show it has a strong track record in delivering outline consents.

Issue 2 Whether or not the most important policies of the Development Plan for determining the appeals are out-of-date

2.10. It is the Appellant's case that the most important policies are CS Policy 1 and CS Policy 4 and LP Policy BNE3. Policy CS 1 Locating Growth is not out of date. It identifies Adlington as an Urban Local Service Centre where some growth and investment is encouraged. CS Policy 4, which established housing land requirements based on the government's 2003 household forecasts is out of date and this is accepted by Chorley and the other Central Lancashire districts, specifically in the Memorandum of Understanding (MoU) dated April 2020. 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 and so it too is out-of-date.

2.11. The NPPF, at §11 d), states:

“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:

...

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”.

2.12. The appeal is therefore to be determined against the policies of the Framework, taken as a whole. Key elements of this are to boost the supply of housing, and to demonstrate a 5-year deliverable supply of housing land when assessed against housing requirements using the standard method of assessing housing need. As CBC cannot demonstrate that it meets these policy requirements, it is correct to consider the appeal site as an appropriate location for new homes as policy BNE3 safeguarding it from development prior to the review of the local plan is out of date and preventing the council from meeting its needs for market and affordable housing.

2.13. The appeal site, along with all other areas of land safeguarded under policy BNE3 bar one, are proposed for allocation in the emerging local plan review. Not only is the release of this site for housing development appropriate, it is one of the few sites in the

borough capable of providing urban expansion that is not protected by the Green Belt as 72% of Chorley's area is Green Belt.

2.14. The emerging Local Plan Review is under preparation and the plan period will be from 2021 to 2036. On this basis, the new plan period has started. The current timetable suggests adoption of the Local Plan Review by November 2023. Whilst full weight cannot be given to the emerging Local Plan Review, it remains a material consideration that the appeal site is proposed by Chorley Council as a housing allocation, and allowing the appeal in 2022, followed by reserved matters approval in 2023, would mean development of a site which would contribute to the early housing delivery at the beginning of the plan period and likely post-adoption.

2.15. With regard to the next two main issues, an earlier and substantially equivalent outline application was refused on 06/11/2018 and subsequently appealed¹. In determining the application, the only reason for refusal related to development of safeguarded land and on the appeal, neither the LPA or inspector had concerns over the issue of Green Belt on a small part of the site, or the fact that the appeal related only to a part of the wider area of safeguarded land. In the absence of any significant change to policy or site-specific circumstances, current reasons for refusal amount to inconsistent decision-making and justification for an award of costs. We would invite the Council to withdraw the issue of Green Belt and integration with the wider safeguarded site to avoid unnecessary time spent by the Inspector at the inquiry and the appellant incurring unreasonable costs.

Issue 3 Whether the proposals would include inappropriate development in the Green Belt.

2.16. In relation to the previous appeal decision on the site, the Inspector recorded, at §7 that:

“There is no dispute between the main parties regarding the part of the appeal site that is contained within the Green Belt, and which the appellant has indicated would not be developed as part of the proposal.”

¹ Appeal Ref: APP/D2320/W/19/3228123

2.17. There is no change in the appellant's intentions with regard to the site. As shown on the illustrative layout plan, the area of Green Belt is identified as an area for ecological enhancement and open space and no development that would be inappropriate in the Green Belt would be constructed. The NPPF, at §145 supports this approach:

“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

2.18. There is therefore no conflict between the proposed development and the development plan in this regard. In any event, exclusion of inappropriate development on this area of Green Belt land can be shown on a parameter plan and be secured by a planning condition if that is considered necessary.

Issue 4 Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity

2.19. The appeal site is a parcel of land in single ownership located to the west of the area shown as safeguarded under Policy BNE3.3 in the Adlington inset map of the Chorley local Plan 2012-2026. The proposed vehicular access is from Carrington Road as Stoner Road can only provide pedestrian and cycle access, and not accommodate vehicular traffic. The remaining part of the safeguarded land, which is in multiple ownership, is bounded to the north and east by the Leeds and Liverpool Canal, which serves as a barrier to movement, importantly between the site and Adlington. Even the sole crossing of the canal on a stone canal bridge which carries a PROW is not conveniently related to the Adlington centre. Pedestrian, cycle and vehicular access can only be provided along Bond Street to the south, which as for the appeal site provides easy pedestrian access to the Adlington centre and services, including the rail station and bus services.

2.20. It is not considered that developing the wider site as 2 parcels would have any material effect on integration with the surrounding area or on connectivity or sustainability.

2.21. It may be that the LPA considers that Bond Street might not be deliverable as an adoptable access into the site. The only alternative would be through the appeal site. If

that is the case, a condition requiring an adoptable access road, cycle and foot-way through the site to the land to the east would be acceptable to the appellant. As it is an outline application, the layout can be designed to accommodate this.

Issue 5 Whether any adverse effects, including conflict with the development plan considered as a whole, would be outweighed by other material considerations.

2.22. From the above assessment, the only adverse effect identified relates to the conflict with Policy BNE3. The site has been safeguarded for future development and the emerging local plan review, the plan period starting from 2021, proposes to allocate it and all but one other BNE3 site for housing development. It is a site that is very well contained on all sides, in a highly sustainable location within easy walking distance of Adlington town centre and its access to shops, bus and rail services, schools, health facilities and sources of employment. CBC is right in proposing that it be allocated for housing development in the forthcoming local plan, and it is a more sustainable location than many other of the draft housing allocations.

3. Conclusions - The Planning Balance

- 3.1. It has been shown above that two of the three main policies for determining the application are out-of-date (CS4 and BNE3), and CBC is not able to show a 5 year housing land supply. The appeal proposals are to be considered against the Framework as a whole and the tilted balance is engaged. The LPA considers the site suitable and sustainable for housing development in the emerging Local Plan Review and the real issue they have is solely with timing of its development. With a severely reduced housing land requirement derived through removing any housing completions from the calculations that are over the 417 dwelling minimum annual requirement has led to a position where future housing needs arising for affordable and market housing cannot be met until a new local plan is adopted, which on the Council's estimate will be at the end of 2023. In the meantime, families in need of market or affordable housing will have to look outside the borough for a new home. With the new plan period already started from 2021, we consider that in fact development of the site would be very well timed, with approval of outline consent in 2022, reserved matters approval in 2023, and homes for those in need ready after adoption of the Local Plan in late 2023.
- 3.2. Notwithstanding the conclusions on five-year housing land supply, the appellant will show that the NPPF recognises small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The NPPF requires authorities to identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. The appellant will show that the Council's forward supply of small and medium-sized sites is insufficient to meet this requirement and that the appeal site would make a worthy contribution. The planning balance falls strongly on the side of allowing the appeal.