

# Sedgwick Associates

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## **Town and Country Planning Act 1990**

**Land at Carrington Road, Adlington**

### **Appeal by Hollins Strategic Land LLP**

**against the decision of Chorley Borough Council to refuse an outline application (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing).**

### **Proof of Evidence of Paul Sedgwick**

Dip TP MRTPI

Planning Inspectorate Reference: APP/D2320/W/21/3284692  
Chorley Council Reference: 20/01200/OUTMAJ  
Sedgwick Associates Reference: sa 4939

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## 1. INTRODUCTION

- 1.1. I am Paul Kenneth Sedgwick. I have more than 55 years' experience as a town planner and was elected to Membership of the Royal Town Planning Institute in 1978. My experience has been gained initially in local government where I served until 1990 when I left my post as Head of Planning and Transport Policy in Bolton MBC to take up a Partnership with a private town planning consultancy based in Bolton. I formed my own specialist town planning practice, Sedgwick Associates, in 1998.
- 1.2. I have provided consultancy services to a wide range of clients across much of England and Wales. They include national and regional housebuilders, waste management operators, care home providers, charities, private individuals, local authorities, other limited companies and plcs, and unincorporated organisations. I have advised them on planning law, practice and policy, on the development potential of land, gaining planning permission and listed building consent, promoting their interests through the development plan system and dealing with their planning enforcement concerns.
- 1.3. Following my move to private practice in 1990 I have continuous experience in gaining planning permissions for residential development through negotiation with LPAs and on appeal. I act for clients across the country and have particular experience in applications for residential development.
- 1.4. I confirm that the evidence that I give in this proof has been prepared in accordance with the guidance of the RTPI and I also confirm that the opinions expressed are my true and professional opinions.
- 1.5. The planning 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.*

1.6. In its Statement of Case, the LPA has agreed to not pursue RFRs 2 and 3, and the concerns can be resolved by condition. On RfR 2 the appellant has offered a condition to provide an access road linking Carrington Road to the remaining safeguarded land to the north, and on RfR 3, the council seek a parameters plan<sup>1</sup> showing the intention not to include inappropriate development on the Green Belt part of the site and which can be a condition to be respected in the RM proposals. Accordingly, these matters are not considered further in this evidence.

1.7. As this appeal is being heard at a conjoined public inquiry, the appellants have sought to provide joint evidence where possible. Accordingly, Mark Saunders, of NJL Consulting is giving evidence on housing land supply and the evidence of Chris Betteridge deals with planning policy matters relevant to both appeals. I rely on their evidence in coming to my conclusions on this appeal.

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<sup>1</sup> Appendix PKS1

## 2. THE APPLICATION PROPOSALS

2.1. This proof of evidence is prepared in respect of an outline planning application for the following:

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

2.2. The appeal proposals are in outline for all details except access. Vehicular access will be from Carrington Road, which serves an existing residential estate. An additional access for pedestrians and cyclists is along Stonor Road, at the southern end of the site and this gives easy access into the Adlington centre where there are shops, schools, services, bus stops and the railway station.

2.3. Not all of the site would be developed for housing. That part lying in the Green Belt will be laid out as a SUDS retention basin, open space and an ecological enhancement area.

2.4. It is expected that the site will allow for the development of up to 25 2-storey dwellings of a range of sizes, including 9 affordable homes. The indicative layout takes account of the water main crossing the site and avoids development that would obstruct maintenance. Each dwelling would have private amenity space and parking to the required standard which would be provided either within the curtilage or in a parking court. The scope of the application includes the following:

- Up to 25 dwellings laid out within a medium-density arrangement with the opportunity for a mix of house types and size.
- Affordable housing provision of 35% (9 dwellings) in accordance with Core Strategy Policy 7.
- Vehicular access provided off Carrington Road through one access point and opportunity for providing access in future to land to the east currently designated as Safeguarded Land.
- Structural landscape planting and the retention of existing key features including trees and hedgerows found on-site.

- Up to 1260 sqm of public open space equating to c.15% of the site coverage. This includes an area of dedicated open space and area of biodiversity improvements in the northern part of the site.
- Incorporation of a comprehensive sustainable drainage scheme to improve the management of surface water flood risk on-site.

2.5. The following technical reports and documents were submitted in support of the planning application and are available with references in the Core Document List:

CD Ref	Document	Prepared by
CD1.1	Planning Application Form and Certificates	Sedgwick Associates
CD1.2	Planning Statement	Sedgwick Associates
CD1.3	Statement of Community Involvement	Sedgwick Associates
CD1.4	Design & Access Statement	Sedgwick Associates
CD1.5	Statement of Energy Efficiency Measures	Sedgwick Associates
CD1.6	Minerals Assessment	Brownfield Solutions Ltd
CD1.7	Tree Survey Report	Arbtech
CD1.8	Utilities Statement	Brownfield Solutions Ltd
CD1.9	Topographical Survey	Geomatic Surveys
CD1.10	Transport Statement	Croft
CD1.11	Desk Study Assessment	Brownfield Solutions Ltd
CD1.12	Flood Risk Assessment and Drainage Strategy	Ironside Farrar Limited
CD1.13	Ecological Survey and Assessment	ERAP Ltd
CD1.14	Proposed Site Access	Croft
CD1.15	Illustrative Masterplan	The Urbanists
CD1.16	Location Plan	-

2.6. The following plans are submitted for approval:

Drawings	Reference	CD Reference
Proposed Site Access	1667-02	CD1.14
Location Plan	-	CD1.16

- 2.7. The following drawings and plans have been submitted in support of the appeal scheme:

<b>Drawings</b>	<b>Reference</b>	<b>CD Reference</b>
Parameters Plan	PARAM-01	CD1.21
Illustrative Masterplan	1889-URB-00-XX-DR-Y-102-S0-P01	CD1.15

### **Pre-application**

- 2.8. No formal pre-application discussions were taken. This is the third outline application that has been submitted, and the previous decision was also considered at appeal. The views of the community have been well recorded at each of these previous stages and reported to the planning committee. The applicant considered all comments made previously as the proposals were being prepared. Further information is provided in Section 3 under Planning History.
- 2.9. In determining the previous applications and appeal, due regard was had by the decision-makers to the views expressed by third parties. The reasons for refusing the application, and dismissing the appeal, were that the applicant failed to show that the Council's assertion of a 5-year housing land supply was incorrect and there was no demonstrable reasons to over-ride the restraint of Safeguarded Land Policy BNE3. That is not the position in this appeal. There were no technical objections from statutory consultees and no site-specific development impacts that the LPA considers unacceptable.
- 2.10. The site has also been the subject of consultation with the public and stakeholders through the emerging Central Lancashire Local Plan where Chorley Council has put forward the site as a draft allocation as part of the Issues and Options consultation, which closed on 14/02/2020<sup>2</sup>. I deal with the eLP below.

### **Post-application**

- 2.11. Outline planning application ref: 20/01200/OUTMAJ for the development proposals was validated on 9<sup>th</sup> November 2020.

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<sup>2</sup> CD6.7

2.12. During the post-submission phase, consultee feedback was received on the following matters:

- Affordable housing.
- Crime.
- Ecology.
- Environmental Health.
- Minerals.
- Community Infrastructure Levy.
- Flood and drainage.
- Utilities.
- Education.
- Highways; and
- Open Space

2.13. The LPA's technical consultees made no objections to the application in their responses. There are therefore no site-specific development impacts that weigh against the appeal proposals. I have addressed third party comments to this application in Section 9.

2.14. The application was reported to planning committee on 12<sup>th</sup> April 2021 with an officer recommendation for refusal for the following reasons:

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

2. *The application site is proposed in isolation from the wider site allocation BNE3.3 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 - 2026 and the National Planning Policy Framework.*

3. *The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm through encroachment. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.*

## **Planning Appeal**

2.15. The appellant lodged an appeal against this refusal on 12<sup>th</sup> October 2021.

## **Case Management**

2.16. It was agreed that joint evidence on housing requirement and land supply will be presented by Mr M Saunders and, subsequently, matters of policy interpretation will be dealt with by Mr C Betteridge who will also deal with site specific matters for Appeal B (Parr Lane). My evidence will focus on site specific matters and planning balance for Appeal A only.

2.17. The Council confirmed at the CMC and in their Statement of Case that they will not continue to contest reasons for refusal 2 and 3.

2.18. Signed Statements of Common Ground are provided to the inquiry covering:

- Housing Requirement and Land Supply;
- Planning

- 2.19. At the Case Management Conference, the Inspector identified the main issues as:
- a. Whether the proposal would conflict with the development plan;
  - b. Whether the development plan policies most important for determining these appeals are out-of-date, with reference to (1) whether the local planning authority can show a 5-year supply of deliverable housing sites and (2) consistency with the National Planning Policy Framework;
  - c. Whether the conclusions on matters b1 and b2 or any other material considerations would justify allowing these appeals.
- 2.20. I will deal with these points in my evidence bearing in mind that the housing supply and strategic policy matters are dealt with in the evidence of Mr M Saunders and Mr C Betteridge, respectively

### **3. THE APPEAL SITE AND ITS SETTING**

- 3.1. The application site is 0.85 ha in extent and forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.3 North of Bond's Lane, Adlington). The site is outside but adjoins the settlement boundary, and a small part of the site lies within the Green Belt where no development is proposed within it. The site is relatively flat, is undeveloped and well contained, being bordered by allotment gardens to the northeast, residential properties to the south east and south west. There is an active sand quarry off the north-western site boundary beyond the Public Right of Way (FP11) that runs along the urban edge and north western boundary of the site. Given the well-contained nature of the site, in comparison with land to the north and west, the site does not function as part of the open countryside nor is it designated as such in the development plan.
- 3.2. Vehicular access into the site is proposed along the existing Carrington Road, which is an adopted residential access road. Pedestrian and cycle access is also proposed from the southern corner of the site along Stonor Road, which links via Bonds Lane to Park Road and thence eastwards over the Leeds and Liverpool Canal Bridge to Adlington town centre and the railway station.
- 3.3. The site lies adjacent to a residential area and is about 500m west of Adlington town centre and railway station. Adlington is identified in CS Policy 1 as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs. Adlington is therefore one of the most sustainable locations for development and where development is not restricted by virtue of the settlement hierarchy. The Leeds and Liverpool Canal is an important feature running between the site and Adlington centre and this includes a marina, boat launching ramp, car parking and other facilities. I set out the sustainability of the site and Adlington in Section 5 of my proof.

#### **Designations**

- 3.4. The site is not within a Conservation Area nor are there any immediately adjacent locally or statutory listed buildings. The site is in Flood Zone 1 and not considered to be at risk of flooding. Significant tree cover and vegetation helps to visually

screen the western, northern and eastern boundaries. There are no Tree Preservation Orders which affect the site.

### **Planning History**

- 3.5. The site has been subject to two previous outline applications for the same scale as the appeal site. They are:
- 17/00411/OUTMAJ Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road. This was refused on 13/09/2017 as being in conflict with safeguarded land policy.
  - 18/00863/OUTMAJ Outline application for residential development for up to 25 dwellings with all matters reserved save for access from Carrington Road. This was refused on: 06/11/2018 as being in conflict with safeguarded land policy.
- 3.6. This second application was appealed by means of written representations and was dismissed on 31/07/2019 as the appellant had not shown material considerations that outweighed the safeguarded land policy. Paragraph 15 of this appeal decision notes that at that time it was agreed there was a five-year housing land supply, no substantive evidence was produced for an alternative requirement figure, and therefore it was agreed the tilted balance was not engaged. That is not the position in this appeal.

### **Safeguarded Land Allocation**

- 3.7. Planning Policy Guidance Note 2: Green Belts took effect in 1995, superseding the 1998 PPG, and set out the specific purposes, general intentions, and extent of Green Belt policy within England. The appeal site was initially designated as Green Belt under the 1993 Lancashire Structure Plan.
- 3.8. Annex B to PPG2 came into force in 1997 and addressed the matter of Safeguarded Land. It provided guidance on the definition and purpose of Safeguarded Land and stated:

*“B2 Safeguarded land comprises areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed.*

*B3 Safeguarded land should be located where future development would be an efficient use of land, well integrated with existing development, and well related to public transport and other existing and planned infrastructure, so promoting sustainable development.”*

- 3.9. Therefore, as part of their identification as safeguarded land, sites had to be considered acceptable in principle and genuinely capable of development when needed. Whilst safeguarded land does not necessarily need to be released through a Plan process<sup>3</sup> when needs arise, the main restriction for Safeguarded Land to come forward is at worst a temporal one, rather than relating to the sustainability or practicality of bringing development forward.
- 3.10. At the time Annex B PPG2 took effect, the Council determined that the appeal site could be removed from the Green Belt and allocated as Safeguarded Land in the 1997 Chorley Local Plan and then retained in 2003 as part of the Local Plan Review and then in the 2015 Local Plan under Policy BNE3. Therefore since 1997, some 25 years ago, the site has remained as Safeguarded Land.
- 3.11. A list of all sites designated as Safeguarded Land under the Chorley Local Plan, adopted in 2015, is set out below in Table 1. This highlights that save for the allocation East of M61 in Chorley, which remains undeveloped, there is no other site located within a higher level of the spatial strategy (i.e. a more sustainable location) than the appeal site which is identified as ‘North of Bond’s Lane, Adlington’.

<b>Site Address</b>	<b>Settlement Hierarchy</b>	<b>Policy Ref.</b>
East of M61, Chorley	Key Service Centre (Tier 1)	BNE3.1
Harrisons's Farm, Adlington	Urban Local Service Centre (Tier 3)	BNE3.2
North of Bond's Lane, Adlington	Urban Local Service Centre (Tier 3)	BNE3.3
Babylon Lane, Heath Charnock	Urban Local ServiceCentre (Tier 3)	BNE3.4
North of Hewlett Avenue, Coppull	Urban Local ServiceCentre (Tier 3)	BNE3.5

<sup>3</sup> See Pear Tree Lane appeal decision (CD8.1 para 50) and accepted at Coppull inquiry (CD8.39 para 20, 26)

Blainscough Hall, Coppull	Urban Local Service Centre (Tier 3)	BNE3.6
East of Tincklers Lane, Eccleston	Rural Local Service Centre (Tier 4)	BNE3.7
Land South of Parr Lane Eccleston	Rural Local Service Centre (Tier 4)	BNE3.8
Pear Tree Lane, Euxton	Urban Local Service Centre (Tier 3)	BNE3.9
West of M61, Whittle-le-Woods	Urban Local Service Centre (Tier 3)	BNE3.10
Southeast of Belmont Road & Abbey Grove, Adlington	Urban Local Service Centre (Tier 3)	BNE3.11

#### 4. RELEVANT PLANNING POLICIES

4.1. The adopted Development Plan comprises:

- The Central Lancashire Core Strategy (CS)<sup>4</sup> which was adopted in July 2012 and covers the period 2010-2026. This is a joint Core Strategy between Preston City Council, South Ribble Borough Council and Chorley 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.
- Chorley Local Plan 2012-2026 (Site Allocations and Development Management Policies DPD<sup>5</sup>), which was adopted in July 2015 and allocates land to meet the development needs of Chorley to achieve the vision set out in the CS. It also sets out development management policies for the Authority Area.
- Joint Lancashire Minerals and Waste Local Plan

4.2. There is no neighbourhood plan covering the appeal site.

4.3. A small part of the site is identified as being within a minerals safeguarding area. There is no alleged conflict with the minerals safeguarding area. It has been shown through the planning application<sup>6</sup> that:

- The sand and gravel deposits known to be present to the north at the existing sand and gravel quarry are not indicated to extend and be present at the proposed development site, which is shown to be underlain by glacial till/clay.
- The site has no indicated viable coal seams present.
- Sandstone extraction from depth is unlikely to be economically viable given the small nature of the site.
- The entire site falls within a 100m environmental buffer zone from the existing houses to the south and west.

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<sup>4</sup> CD6.1

<sup>5</sup> CD6.2

<sup>6</sup> CD1.5

4.4. The relevant policies of the adopted Central Lancashire Core Strategy (CS) comprise:

- Policy 1: Locating Growth
- Policy 3: Travel
- Policy 4: Housing Delivery
- Policy 5: Housing Density
- Policy 6: Housing Quality
- Policy 7: Affordable Housing and Special Needs Housing
- Policy 14: Education
- Policy 17: Design of New Buildings
- Policy 22: Biodiversity and Geodiversity
- Policy 27: Sustainable Resources and New Developments
- Policy 29: Water Management

4.5. The relevant policies of the Adopted Chorley Local Plan 2012-2026: Site Allocations & Development Management Policies comprise:

- Policy V1: Model Policy
- Policy V2: Settlement Areas
- Policy ST1: Provision or Improvement of Footpaths, Cycleways, Bridleways and their Associated Facilities in Existing Networks and New Developments
- Policy ST4: Parking Standards
- Policy HS4A: Space Requirements in New Housing Developments
- Policy HS4B: Play Pitch Requirements in New Housing Developments

- Policy BNE1: Design Criteria for New Development
- Policy BNE3: Areas of Land Safeguarded for Future Development Needs
- Policy BNE9: Biodiversity and Nature Conservation
- Policy BNE10: Trees

4.6. The weight to be attached to the policies that are most important for determining the application is discussed in the evidence of Mr Betteridge. Policies (other than the most important policies Policy 1, Policy 4 and BNE3) that relate to site specific matters have full statutory weight, as agreed in the SoCG.

## 5. EMERGING CENTRAL LANCASHIRE LOCAL PLAN (ELP)

- 5.1. The three Central Lancashire Authorities are currently undertaking a review of the development plans for the area and are working towards the preparation of a Joint Local Plan for Central Lancashire (eLP) to cover the period 2021 to 2036<sup>7</sup>. This will be a single planning document containing the Councils' vision, objectives and policies. The target date for adoption is December 2023 according to the latest published Local Development Scheme<sup>8</sup>. It is now certain the Council will need to look further ahead beyond 2036 if it is to ensure strategic policies cover a minimum 15-year period *from* adoption<sup>9</sup>.
- 5.2. The eLP has been subject of rounds of 'Call for Sites' consultation undertaken in 2018 and 2019, and an Issues & Options document was published for consultation from 18<sup>th</sup> November 2019 to 14<sup>th</sup> February 2020. The Issues & Options paper<sup>10</sup> notes that the then current starting point for housing provision set by the standard method was 579 dpa, which was more than half of the annual 1,033 dwellings to be provided across the three districts.
- 5.3. Unlike the other two Central Lancashire districts, Chorley included Annex 1, 'Site Suggestions Proposed by Chorley Council' as part of the consultation<sup>11</sup>. Its purpose was to identify the "*most appropriate sites*"<sup>12</sup>. The Issues & Options papers and 'Site Suggestions' were endorsed by Central Lancashire Strategic Planning Joint Advisory Committee on 3<sup>rd</sup> September and later endorsed by the Executive Cabinet on 17<sup>th</sup> October 2019. Submissions at this and the Call for Sites stage were made by the appellants in support of the proposed housing allocation of the BNE3.3 North of Bond Lane safeguarded land site. Overall, 74.25 ha of safeguarded land are proposed for allocation.
- 5.4. I note the Council states these are potential 'site suggestions' for housing, but in the table, they are referred to as 'proposed designations'. In my view whatever name it is given, the point of the Council proposing these sites in the first place is because there is strong merit in them being housing allocations in light of a

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<sup>7</sup> CD6.4, para 3.4

<sup>8</sup> CD6.5

<sup>9</sup> CD5.1, para. 22

<sup>10</sup> CD6.4, pp 17 and 18

<sup>11</sup> CD6.7

<sup>12</sup> CD6.7, p.1, Introduction

continued housing need. There are also limited opportunities to meet needs on other sites, with no plans to undertake a review of the Green Belt boundaries. Sites within Green Belt were not assessed for development potential at the Issues & Options stage<sup>13</sup>.

- 5.5. Elected members from Chorley Borough Council were also consulted on the Issues and Options and Annex 1 prior to its publication, with a continued recommendation that the site is a proposed allocation for housing. The principle of allocation of this site in the adopted eLP is therefore clearly supported by the Council. This is not surprising, given the site’s longstanding status as safeguarded land, the inherent need to release safeguarded land now (which I set out later) and the merits of the site for housing which I set out in this proof.
- 5.6. There has been no publicly accessible information available on the progress of the eLP since the end of this round of consultation, but it is clear it has been delayed several times. At this time there is no certainty about the timing of the publication version of the eLP, and a revised Local Development Scheme (LDS) has not yet been published. The latest LDS set out the intention is for the eLP to be adopted by December 2023. There is therefore no certainty for those in current housing need, developers, and members of the public as to when housing needs could possibly be met.
- 5.7. The Issues and Options document explained that almost 700 sites were submitted to the Call for Sites exercises across the Central Lancashire area and these sites have all been assessed as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA). 194 potential housing sites were submitted to this exercise in Chorley alone. The table below is extracted from the report to the Central Lancashire Strategic Planning Joint Advisory Committee on 4<sup>th</sup> June 2019 showing the breakdown of available sites in Chorley submitted through the Call for Sites.

	<b>No. Dwellings</b>	<b>Proportion of Total (%)</b>
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<sup>13</sup> CD6.4 para 8.27

<b>Total</b>	18,567	100%
<b>Within/on Safeguarded Land</b>	2,312	12.5%
<b>Partially/wholly Green Belt</b>	13,463	72.5%

- 5.8. Given the latest current local housing need figure, using the Standard Method, is 537 dpa for Chorley, it is clear that even if all of the Safeguarded Land identified above is considered deliverable for housing, it would only be able to deliver 4.3 years' worth against that need.
- 5.9. I have reviewed the Council's latest Brownfield Register (2021) which shows there are a total of 1,914 potential dwellings on these sites, most of which already have planning permission (1,635 dwellings) and 52% already delivered (988 dwellings) with 279 on the register without planning permission. This leaves a very limited potential future supply of brownfield sites (equating to just 1.7 years supply against the figure for Standard Method). Indeed, the very recent House of Lords Built Environment Committee report 'Meeting housing demand' was published on 10 January 2022<sup>14</sup> and stated that "*building on brownfield land is not a 'silver bullet', especially as the availability of brownfield land is disproportionately in areas with less pressure on the housing market.*"
- 5.10. The limited forward supply is exacerbated by Chorley being a heavily constrained local authority, as shown on the Local Plan Policies Map<sup>15</sup>. Green belt makes up 72% of the total borough area (including urban areas) or 14,560 hectares<sup>16</sup>. This excludes the additional policy constraints areas of 'Other Open Countryside' and 'Safeguarded Land' which would increase the total area of policy constraint further.
- 5.11. Taking all of the above into account, this demonstrates the substantial issue facing the authority and is why I say later in my evidence that the need to release safeguarded land is an inevitable position; the only alternative being if CBC seeks to demonstrate exceptional circumstances to allow the release of Green Belt. The authority has confirmed it is not undertaking a green belt review. In any event, it

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<sup>14</sup> CD9.7

<sup>15</sup> CD6.3

<sup>16</sup> Local authority green belt statistics for England: 2020 to 2021, DLUHC (28 September 2021)

is common ground that Safeguarded Land will need to be released as part of the emerging plan<sup>17</sup>.

- 5.12. The Issues & Options paper proposes a change in status of the appeal site from safeguarded land to a housing allocation which follows the detailed assessment of the site within the SHELAA regarding suitability, availability and achievability. Accordingly, the Council's present position is that this site represents an appropriate site for housing which should be allocated in the eLP from 2021 and which is said will be adopted by December 2023 in the current LDS.
- 5.13. The Issues & Options Outcomes Report<sup>18</sup> found responses were generally against development however there were many comments in favour of development where needs were shown. Whilst the eLP is at an early stage of preparation, with no policies proposed, it is a material consideration that the evidence base and the plan's direction of travel clearly shows that there is a need to release safeguarded land in Chorley from 2021 to meet market and affordable housing need. The development of the appeal site would facilitate the development of the remainder of the safeguarded land BNE3.3 by ensuring that access can be provided.

### **Other Material Considerations**

- 5.14. Other material considerations include national planning policy and supplementary planning policies. National policy is set out in the National Planning Policy Framework published in July 2021. The relevant sections are:
2. Achieving sustainable development
  5. Delivering a sufficient supply of homes
  8. Promoting healthy and safe communities
  9. Promoting sustainable transport
  11. Making effective use of land
  12. Achieving well-designed places
  13. Protecting Green Belt land
  14. Meeting the challenge of climate change, flooding and coastal change
  15. Conserving and enhancing the natural environment

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<sup>17</sup> Planning Statement of Common Ground

<sup>18</sup> CD6.45

5.15. The three Central Lancashire local authorities have published SPDs on several topics and they have been adopted by Chorley Council. Those relevant to this appeal are:

- Central Lancashire Affordable Housing Supplementary Planning Document
- Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document
- Central Lancashire Design Guide Supplementary Planning Document
- Central Lancashire Open Space and Playing Pitch Supplementary Planning Document

5.16. Chorley council has also published and adopted the Renewable and Low Carbon Energy Supplementary Planning Document (SPD). The Council alleges no conflict with any SPD.

## 6. SUITABLE AND SUSTAINABLE LOCATION

- 6.1. Chorley Council have identified a settlement hierarchy within the adopted Local Plan (CLP) (2015); this is drawn out from the Central Lancashire Core Strategy (CLCS) (2012). This settlement hierarchy is used as the basis for directing future development patterns within the plan area.
- 6.2. Adlington is identified as an ‘Urban Local Service Centres’ under Policy 1 of the Core Strategy. The CLCS states that it seeks to focus development in the urban areas of Chorley Town, Buckshaw Village and the Urban Local Service Centres in order to maximise access to services, facilities, employment and to help reduce the need to travel. Adlington is, therefore, considered to be a sustainable and accessible location, within walking distance of services, facilities and public transport, which is a matter of common ground with the Council.
- 6.3. Adlington is located at the southern edge of the Chorley administrative area which adjoins the Wigan and Bolton Council administrative area. The Central Lancashire Housing Studies prepared by GL Hearn in 2017 and Icenii in 2020 provides context to Chorley’s housing market area and Adlington’s location in relation to the Central Lancashire Housing Market Area and surrounding market areas<sup>19</sup>.
- 6.4. The Core Strategy acknowledges that Adlington retains ‘*a local employment role, with a range of local shops and other services*<sup>20</sup>’. This is particularly relevant given Adlington’s high rank as an Urban Local Service Centre and support for investment in housing is consistent with this. I detail the range of services and facilities, as well as the financial benefits of the development in my evidence below.
- 6.5. The settlement of Adlington benefits from its close location to existing highway links including A6 which leads directly to Chorley and the M61 which allows access to Preston, Manchester, and the wider motorway network.
- 6.6. The most accessible train station is within walking distance of the site in Adlington. This is accessible via a short comfortable walk of around 600m with a journey time of around 8 minutes. The train station offers access to employment and leisure destinations at Chorley (within 5 minutes), Horwich (within 8 minutes), Preston

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<sup>19</sup> CD6.21 and CD6.20

<sup>20</sup> CD6.1, para 3.4

(within 20 minutes), Manchester Victoria (within 36 minutes), Blackpool (within 42 minutes), and Hazel Grove, Stockport (within 66 minutes). These train services leave Adlington station roughly every 25-30 minutes in the peak hours every day making it an excellent viable option other than the car. The current train timetables are appended<sup>21</sup>.

6.7. There are also bus stops on Park Road, within 190m of the site (2-minute walk) providing the 8A service to Blackrod and Chorley Bus Interchange. Bus stops on Chorley Road, within 1,300m (17-minute walk) provide access to wider destinations via the more frequent 125 service to Bolton, Chorley and Preston. Chorley Bus Interchange and Chorley Train Station are located within 70m of each other offering a further easy opportunity for sustainable transport modal-shift. The 125 service also stops at Albany Academy which is one of the closest secondary schools (11-minute bus journey). The current bus transport map and timetables are appended<sup>22</sup>.

6.8. Guidance contained in Manual for Streets states 2km is considered a general preferred maximum walking distance to services and facilities. Areas within a 2km walking distance are considered accessible by foot from the site. The 85<sup>th</sup> Percentile Walk Distances across a range of journeys are set out in the Transport Statement<sup>23</sup> supporting the appeal site suggested as guidelines in a WYG report entitled ‘Accessibility – How Far Do People Walk and Cycle’. In summary, the 85<sup>th</sup> percentile walk distances are as follows.

85 <sup>th</sup> Percentile Walk Distances					Overall Recommended Preferred Max
All Journeys	Commuting	Shopping	Education	Personal	
1,950m	2,100m	1,600m	3,200m/4,800m	1,600m	1,950m

6.9. As detailed in the Table below, the site is very sustainably located to allow future residents to access a range of services, amenities and facilities. These are all considered to be accessible by foot from the site.

<sup>21</sup> Appendix PKS2

<sup>22</sup> Appendix PKS3

<sup>23</sup> CD1.9

Local Amenity		Distance	Guidance Criteria	Compliance
Transport	Bus stops on Park Road (8A)	190m	1,950m	Yes
	Bus stops on Chorley Road (125)	1,300m	1,950m	Yes
	Adlington Train Station	600m	1,950m	Yes
Shops/Food Establishments	Adlington Convenience Store	680m	1,600m	Yes
	The Bridge Inn	320m	1,950m	Yes
	Adlington Post Office	550m	1,950m	Yes
	Tesco Express	1,280m	1,600m	Yes
	Co-operative Food Store	1,350m	1,600m	Yes
	Marina Café	400m	1,600m	Yes
	Bistecca Mediterranean Restaurant	450m	1,600m	Yes
	Adlington Spice Restaurant	500m	1,600m	Yes
	Mangia Mangia Italian	400m	1,600m	Yes
	La Orient Chinese	450m	1,600m	Yes
	Corner House Cafe	550m	1,600m	Yes
	Retreat Adlington Bar & Grill	600m	1,600m	Yes
	Spinners Arms Pub	600m	1,600m	Yes
Education	Adlington Primary School	260m	3,200m	Yes
Medical	Rowlands Pharmacy	550m	1,600m	Yes
	Granville House Medical Centre	1,400m	1,600m	Yes
Leisure	Jubilee Recreation Ground	350m	1,950m	Yes
	Adlington St Paul's Church	1,300m	1,600m	Yes
	Public Right of Way	170m	1,950m	Yes
	Chorley Skate Park	350m	1,950m	Yes
	White Bear Waterside & Marina	290m	1,950m	Yes
Other	Adlington Pet Centre	550m	1,950m	Yes
	Adlington Cemetery	350m	1,950m	Yes

## **Sustainable Integration of the Site into the Settlement**

- 6.10. This planning application was supported by a suite of technical assessments and documentation to afford the proposals the appropriate scrutiny through the application process to allow a full planning balance to be undertaken into the significant benefits and any land use planning harm of this particular scheme. The Illustrative Masterplan<sup>24</sup> demonstrates a successful integration with the existing settlement can be achieved with road access connecting from Carrington Road and pedestrian and cycle connections to Stonor Road.
- 6.11. It is clear that the proposals represent an excellent opportunity to seamlessly integrate the proposals into the Adlington settlement without any material harm. This is a conclusion I can reach due to the content of the supporting assessment work, the lack of any relevant statutory technical consultee objections and the resolved position of the Council, reinforced by the Council's removal of RfR's 2-3 post decision. It is clear that the proposals have benefitted from intensive and rigorous scrutiny and if the release of safeguarded land is necessary to meet housing needs now (and in the future) this is an appropriate location.

## **Site Delivery**

- 6.12. In this case the Inspector can be confident on delivery as Hollins Strategic Land's track record demonstrates all sites that have received outline consent are built out in good time<sup>25</sup>. The site would be quickly sold to its sister SME housebuilding arm, Hollins Homes - a letter of intent is appended.<sup>26</sup> The letter details the attractiveness of the site to Hollins Homes, the positive activity of the company in the wider area, its reputation for high quality design and the importance of the site to its portfolio as a SME housebuilder and to its workforce. In this case a reserved matters application would be submitted within 12 months, with a start on site by September 2023 and completed by February 2025. The 35% affordable homes would be sold to a registered provider to ensure early delivery with the remaining 16 market dwellings sold within a year.

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<sup>24</sup> CD1.14

<sup>25</sup> Appendix PKS8

<sup>26</sup> Appendix PKS4

6.13. Hollins Strategic Land has also received strong interest in the appeal site from Registered Providers<sup>27</sup>. The site location and quantum of proposed residential units is extremely attractive and ideal to the appellant's SME housebuilding arm who have good close working relationships with several Registered Providers who are active in the area.

6.14. Owing to Hollins Strategic Land's strong track record, it is my estimate that should planning permission be allowed for this outline application, that the site could make a positive contribution to the Council's 5YHLS and to meeting needs in this and/or the next plan period (which has already started in 2021). In particular as the NPPF directs local planning authorities to identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. The appeal site is one such site and would therefore make an important contribution. It is envisaged that the site delivery programme could be profiled as follows:

- Outline approval – May 2022
- Purchase by Hollins Homes – July 2022
- Reserved matters submission – November 2022
- RM app approval – March 2023
- Discharge of Pre-commencement Conditions – June 2023
- Prelim works/start on site – September 2023
- House build commencement – January 2024
- First home completion – May 2024
- Final completion – February 2025

#### **Suitability, Availability and Deliverability**

6.15. Within the Sections above, I have outlined the context to the site and its development and the level of scrutiny to date. My view is that the proposals

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<sup>27</sup> Appendix PKS5

represent sustainable development, and it is unchallengeable that the proposals before this Inquiry are appropriate in principle and benefit from scrutiny and support. In summary:

- To date, the site has benefitted from rigorous technical scrutiny through the site promotion work as detailed within this proof and through the determination of the outline planning application, as well as previous applications;
- There are no outstanding consultee objections on technical matters;
- There is no identified individual or cumulative impact on infrastructure, services or facilities from the appeal proposals;
- Officers agree that the principle of development in the emerging Local Plan is acceptable and that the site can be delivered without resultant planning impact as evidenced by proposals for the site to be allocated for housing.

6.16. Owing to a particular lack of developmental harm and the accruable benefits that will be achieved through delivery of the proposals which I cover in greater detail in the following Sections, I therefore conclude that the proposals represent sustainable development. The settlement of Adlington is a sustainable location for residential development and the appeal site is highly sustainable benefiting from ease of access to a wide spectrum of local services and facilities. Indeed, no other conclusion can be reached, given Adlington's place in the settlement hierarchy, the Council's proposed allocation of the site, its acceptance in the Planning SoCG of its sustainable location and the absence of any alleged planning harms on technical matters.

## 7. LOCAL HOUSING NEED AND HOUSING LAND SUPPLY

- 7.1. The evidence provided by Mr Saunders on the housing requirement and the housing supply demonstrates that the Council can only demonstrate 2.4 years supply. I do not repeat Mr Saunders' evidence here. On that basis, the tilted planning balance is engaged and the appeal proposal is required now.
- 7.2. Insofar as to the scope of my evidence, the Chorley Local Plan (2012-2026) allocated four sites in Adlington<sup>28</sup>. In total, 288 dwellings were allocated and expected to be delivered in Adlington. The status of these sites is set out below.

Ref	Location	Dwellings Allocated	Status
HS1.23	Grove Farm, Railway Road	67	Site complete
HS1.24	Land adjacent to Bolton Road	170	Site complete. 158 dwellings completed which is a decrease of 12 from the allocated number.
HS1.25	Weldbank Plastics	20	Site complete.
HS1.26	Fairport, Market Place	31	No evidence that the site will come forward in the five-year period. Planning application approved 29 April 2021 for four industrial buildings.
	TOTAL	288	

- 7.3. The Chorley Local Plan states its purpose is to “*identify the scale of development in each settlement and allocate sites to meet the development needs of Chorley over a 15 year period in order to achieve the vision for growth as outlined in the Central Lancashire Core Strategy*”. Furthermore it states that “*the Local Plan will ensure that appropriate forms of development can occur in the most suitable locations. It helps to provide a level of certainty about what areas will be developed or protected in the future and for what purpose*”<sup>29</sup>.
- 7.4. The Chorley Local Plan Inspector, at the time of examination, found the above allocations to be sound, with a reasonable prospect of being delivered, based on

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<sup>28</sup> CD6.2, Appendix B

<sup>29</sup> CD6.2, 1.1-1.2

the information available before her<sup>30</sup>. She also concluded that the allocations in the plan would be delivered in a timely manner<sup>31</sup> and made assumptions on housing supply that require all of the allocations to be sound in principle<sup>32</sup>. It is now clear that the Local Plan has failed to deliver the homes allocated in Adlington as there is a deficit of 43 dwellings on those sites. Importantly, all of the site allocations in Adlington are of a scale where affordable housing would be expected.

- 7.5. HS1.26 was expected to deliver 31 dwellings between 2016-21. This clearly has not happened and is no longer expected to deliver any homes as full planning permission was approved in 2021 for four large new industrial units<sup>33</sup>. In addition, HS1.26 is 0.9 hectares and is therefore considered a small/medium sized site which the NPPF considers important. In light of an important site such as HS1.26 no longer coming forward for housing, and a reduced number of homes delivered on HS1.24, I consider the appeal site would make a valuable and important contribution to meeting the local market and affordable needs in Adlington on an alternative small/medium sized site in a sustainable location.
- 7.6. Whilst since 2010 there will have been windfall development completed across Chorley, including at Adlington, this does not equate to an overperformance of the development plan. An allowance for windfall development was already made in the Chorley Local Plan which could come forward over and above the housing allocations. In addition, windfall developments less than 15 dwellings are not required to provide any affordable housing at all. The provision of market-led windfall development would not align with the Strategic Objective 8 of the Core Strategy which states, *“To significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as in more rural areas.”*
- 7.7. Adlington, and more widely Chorley Borough, has little affordable housing delivered which I set out in the next section.

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<sup>30</sup> CD6.12, para. 75-76

<sup>31</sup> CD6.12, para. 51

<sup>32</sup> CD6.12, para. 47

<sup>33</sup> Appendix PKS6 – Approved Site Layout (21/00013/FULMAJ)

## 8. DEVELOPMENT BENEFITS

- 8.1. The appeal proposals will deliver demonstrable positive benefits which are to count in the favour of the appeal proposals within the planning balance. In summary:

### Market Housing

- 8.2. Taking account of the evidence of Mr. Saunders, the development would contribute to a failing supply of housing land in Chorley and contribute towards ensuring the Council is “significantly boosting the supply of housing”. Paragraph 60 of the Framework states:

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

- 8.3. The production of the Core Strategy predates the 2012 Framework and is based on the housing requirements in the superseded Regional Plans adopted on a fundamentally different approach to calculating housing need.
- 8.4. The Council’s forward supply stands at 2.4 years based on the standard method calculation. This represents a bleak position of supply against what is a calculation of the Borough’s actual needs for the next 5 years. Should Policy 4 be determined to still apply, with no allowance for ‘oversupply’, this shortfall would stand at 3.1 years. In either situation, the shortfall should be considered significant.
- 8.5. The matter of giving weight to the benefit of new housing development in reducing or overcoming a shortfall against the requirement for a five-year supply of housing land, remains one of planning judgement.
- 8.6. The Judgment of *Hallam Land Management v SSCLG*<sup>34</sup> tackled this point and made clear that decision makers will need to *‘identify at least the broad magnitude of any shortfall in the supply of housing land’*.

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<sup>34</sup> CD8.22, para 52

- 8.7. The Judgment adds that *‘in a case where the local planning authority is unable to demonstrate five years’ supply of housing land, the policy leaves to the decision- maker’s planning judgment the weight (s)he gives to relevant restrictive policies. Logically, however, one would expect the weight given to such policies to be less if the shortfall in the housing land supply is large, and more if it is small’.*
- 8.8. Reference made to this notional scale in attributing weight to the extent of any shortfall, has informed my judgement on the level of shortfall in housing supply within Chorley, which at 2.4 years supply is clearly significant.
- 8.9. I have also taken account of other appeal decisions and authorities where the magnitude of the housing shortfall reflects that within Chorley. In the case of Ashmead Drive, Gotherington<sup>35</sup> where Tewkesbury Council were also found to be incorrect in their accounting of oversupply, the Inspector concluded in that case that *‘The state of housing land supply is such that very significant weight should be given to the delivery of housing generally’.* (emphasis added)
- 8.10. In the determination of the appeal at Colney Heath<sup>36</sup> the supply position, which assessed as being at best 2.58 years based on the Council’s evidence, was described as *‘bleak’* and representing a *‘considerable’* shortfall. The provision of 100 dwellings was subsequently afforded *‘very substantial weight’* by the Inspector. Increased weight was attributed in this case given the policy context of the authority with a significantly dated Development Plans which in the case of Saint Albans District Council was adopted in 1994. This a similar position as Chorley where the Core Strategy housing requirement is based on the outdated constrained housing requirements in the defunct Regional Plans adopted on a fundamentally different approach to calculating housing need, which has been superseded by objectively assessed housing needs and now currently the Standard Method.
- 8.11. A recent appeal scheme of 100 dwellings at Rascals Farm, Southwater<sup>37</sup> was afforded *‘significant weight’*. The extent of the shortfall within Horsham District Council was less significant at 4.2 years and within a more updated policy context which could support the Council in addressing issues on housing delivery.

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<sup>35</sup> CD8.9 para 74

<sup>36</sup> CD8.23 para 48 – 49

<sup>37</sup> CD8.18 para 147

- 8.12. The most recent appeal decision at Pear Tree Lane<sup>38</sup>, which assessed the housing supply position at 2.7 years, gave ‘*significant weight*’ to the provision of 180 dwellings. Inspector Hayden concluded that even if the ‘tilted balance’ was not engaged, applying a ‘flat balance’, there were still “*significant benefits*” in addressing the housing needs in Chorley which outweighed any harm from conflict with BNE3<sup>39</sup>.
- 8.13. I also recognise the importance of small and medium sized sites is clearly supported by NPPF<sup>40</sup> where they can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The appeal site is a small-medium sized size less than one hectare which would be built out by a local SME housebuilder with a track record for good design.
- 8.14. The very recent House of Lords Built Environment Committee report ‘Meeting housing demand’ was published on 10 January 2022<sup>41</sup> and recognised SMEs by concluding:

*We welcome the Government’s target to deliver 300,000 homes per year and one million homes by 2025 to address the long-term undersupply of new housing. However, even with increased development through SMEs, build to rent, self-commissioned homes and local authorities, building will likely still fall short of the target. Without reducing the barriers to meeting housing demand - including skills shortages, lack of available land, resources for local planning authorities, the reduced role of SME housebuilders, inadequate support for social housing provision, and the barriers and delays in the planning system - it will not be possible to get close to this target.*

- 8.15. In concluding on the Council’s housing land supply position, I consider from the evidence presented by Mr Saunders, and my own experience in Chorley, that housing land supply is likely to continue to diminish on an annual basis, at a time where there is an absence of any meaningful strategy to overcome this shortfall quickly. This is emphasised by the continued delays in the emerging Local Plan and the Council’s deliberate attempt to suppress their housing requirement to just a fifth of their actual requirement over the next five years. I’m firmly of the view

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<sup>38</sup> CD8.1 para 102

<sup>39</sup> CD8.1 para 105

<sup>40</sup> CD5.1 para 69

<sup>41</sup> CD9.7 p.6 para 3

that this significant shortfall will inevitably persist and affect the Government's policy objective to significantly boost the supply of homes.

8.16. I have also shown that there is limited choice for the Council to meet its current and future housing needs without requiring safeguarded land such as the appeal site. The Council is not undertaking a green belt review and has not published any intention of releasing green belt which would require the exceptional circumstances test to be met. The supply of brownfield sites is also very limited.

8.17. Considering this context and those of other appeal decisions, my view is the benefit of delivering up to 25 market and affordable dwellings should therefore be afforded significant weight as a benefit in this instance irrespective of whether the tilted balance is engaged or not.

### **Affordable Housing**

8.18. Data provided by the Council indicates that a total of 1,535 (gross) affordable dwellings have been delivered in Chorley since 2009<sup>42</sup>. However, this excludes Right to Buy sales which result in losses to the overall affordable provision for that year. When taking account of Right to Buy sales, as recorded by CLG Statistical Data Returns, the net affordable housing completions are as follows:

<b>Monitoring Year</b>	<b>Affordable Housing Completions (gross)</b>	<b>Registered Provider Right to Buy Sales</b>	<b>Affordable Housing Completions (net)</b>
2009/10	Not available	Not available	Not available
2010/11	173	Not available	173
2011/12	170	-1	169
2012/13	183	-8	175
2013/14	129	-12	117
2014/15	165	-23	142
2015/16	85	-11	74
2016/17	87	-15	72
2017/18	172	-20	152
2018/19	202	-19	183
2019/20	122	-11	111

<sup>42</sup> 2009 is the base date for the SHMA 2009, as opposed to the base date aligning with the Core Strategy (2010)

2020/21	47	Not available	47
<b>Total</b>	<b>1,535</b>	<b>-120</b>	<b>1,415</b>
<b>Average</b>	<b>140</b>	<b>-11</b>	<b>129</b>

8.19. To-date the Council has achieved the net delivery of 1,415 affordable dwellings, an average of 129 net affordable dwellings per annum. This is equivalent to 23% of average completions, which falls well below the Core Strategy Policy 7 requirement of 30% to 35% provision. This continuous under-delivery of affordable housing against needs is further exacerbated because the Council chooses to monitor its delivery against a target of just 50 dpa, and no action is required if the Council delivers more than 80% of this (just 40 dpa). In fact, on that basis the Council considers it has over-delivered. Any suggestion of an over-delivery of affordable housing in Chorley would be completely unfounded and paradoxical when in fact affordability in Adlington and Chorley has worsened and house prices continue to rise. The table below presenting median house price data from ONS shows that house prices in Adlington have increased more greatly.

<b>Median House Prices (ONS)</b>			
	<b>March 2010</b>	<b>March 2021</b>	<b>% increase</b>
<b>Adlington Ward</b>	£122,250	£183,975	150.5%
<b>Chorley</b>	£144,000	£182,000	125.4%
<b>Lancashire</b>	£130,000	£160,000	123.1%
<b>England &amp; Wales</b>	£172,000	£181,250	105.4%

8.20. House price paid data from HM Land Registry<sup>43</sup> shows that the average price paid for a home in the Adlington post code area (PR7 and PR6) for the full year of 2021 was £207,039 (PR7) and £224,546 (PR6). This show that house prices have continued to worsen in Adlington compared with the ONS data in the table above. Affordability in Chorley, calculated by the ratio of house prices to workplace-based earnings, is also markedly higher than the North West region.

<sup>43</sup> <https://landregistry.data.gov.uk/>

<b>Ratio of house price to workplace-based earnings (ONS)<sup>44</sup> - 2020</b>	
<b>Chorley</b>	6.28
<b>North West</b>	5.75

8.21. Indeed, affordable housing delivery in Adlington, an Urban Local Service Centre, has also been suffering, with four of the past nine years delivering no affordable housing. The table below shows the gross affordable completions, without accounting for Right to Buy sales, so is likely to be even lower.

2012/ 13	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	Average per annum (2012-21)
0	30	2	0	6	3	26	0	0	7

8.22. The Council's use of a 50 dpa target is despite the SHMA (2009) finding a need for 723 affordable homes per annum, and the SHMA (2017) finding a need for 146 per annum. Based on the most recent assessment under the 2020 Housing Study<sup>45</sup> a net affordable housing need of 132 dwellings per annum was identified within Chorley. However, it is clear that whichever affordable housing requirement is used, the Council manages to accumulate a shortfall as shown on the table below.

	09 /10	10 /11	11 /12	12 /13	13 /14	14 /15	15 /16	16 /17	17 /18	18 /19	19 /20	20 /21
<b>Affordable Delivery (net)</b>	0	173	169	175	117	142	74	72	152	183	111	47
<b>SHMA09 (2009-14)</b>	723	723	723	723	723							
<b><i>SHMA09 Accumulated Shortfall</i></b>	<b>-723</b>	<b>-1273</b>	<b>-1827</b>	<b>-2375</b>	<b>-2981</b>							
<b>SHMA17 (2014-21)</b>						146	146	146	146	146	146	146
<b><i>SHMA17 Accumulated Shortfall</i></b>						<b>-4</b>	<b>-75</b>	<b>-150</b>	<b>-144</b>	<b>-107</b>	<b>-142</b>	<b>-241</b>
<b>ICENI</b>										132	132	132

<sup>44</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

<sup>45</sup> CD6.21 Central Lancashire Housing Study (2020) Table 5.6

<b>ICENI Accumulated Shortfall</b>											51	30	-55
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8.23. Monitoring targets are meaningless if they allow for a continuation of a serious problem with no repercussions.

8.24. This also goes against Strategic Objective 8 in the Core Strategy which states one of the key objectives is “To *significantly increase the supply of affordable and special needs housing particularly in places of greatest need such as in more rural areas*” [my emphasis added]. In this context, it would be implausible to suggest the development plan is ‘over-performing’. In my view the plan is failing and this is a view shared by the majority of those consulted on the eLP Issues & Options where 64% of people answered ‘no’ to the question ‘*Is the Core Strategy approach providing the homes, jobs and facilities that are needed?*’<sup>46</sup>.

8.25. Chorley seems to acknowledge the issue of affordability. The latest Annual Monitoring Report<sup>47</sup> states that:

*4.7 Affordability of homes remains an issue in Chorley; the ratio of median house price to median individual earnings is 5.61 in 2020, up from 5.47 in 2019 for Chorley, where a lower number means that housing is more affordable. Housing in Chorley is slightly more affordable than housing across England where the ratio of median house price to median individual earnings was 7.84 in 2020.*

*4.8 Accessibility of suitable housing and local amenities are significant determinants of quality of life. People who cannot afford to enter owner occupation, live in overcrowded homes or are classed as homeless are deprived of the safety and stability of a home that is appropriate to their household’s needs.*

8.26. The Council’s own evidence confirms they will be unable to meet this need with delivery of only 369 affordable homes (76 dpa) in the next five years – equating to 25% of the Council’s suggested deliverable supply. The deliverable supply evidence presented by the Council will evidently be unable to meet the level of needs identified within the most recent assessment. This follows a consistent trend of under delivery in affordable housing set against the CS Policy 7 target of

<sup>46</sup> CD6.45, para 10.2

<sup>47</sup> CD6.46, para 4.7-4.8

30% - 35%, with affordable housing only making up just 23% of total completions. This affordable housing position will only worsen if the Council seeks to reduce its requirement to just 109 dpa over the next five years.

- 8.27. There is an overwhelming need for affordable housing in the Chorley borough. The consequence of the determination of this appeal is to either, (i) accept this situation and the stark fact that the Borough will only achieve a fraction of this requirement of this need or (ii) approval will be granted to develop 9 new much needed affordable homes in a sustainable location.
- 8.28. As referred to in the 2017 SHMA<sup>48</sup>, in circumstances where there is such a shortfall, the Council should consider boosting housing delivery beyond minimum housing targets in order to meet the identified need which at the time of the assessment stood at 146dpa. The 2017 SHMA suggested in Table 60 that housing delivery within Chorley would have to exceed 487 dwellings per annum to meet affordable needs. Due to the extremely low monitoring target, the Council has failed to respond to what is a worsening problem.
- 8.29. As set out above in the Hallam Land Management Judgment, an important material consideration is establishing what solutions are being progressed by the Council to remedy a shortfall situation whether that be market or affordable housing. It is clear that the Council are not seeking to remedy the crisis in affordable housing but (rather) to suppress what is an already acute problem within Chorley. This weighs heavily in support of this proposal.
- 8.30. This point was covered by the Inspector at the Pear Tree Lane decision<sup>49</sup>, who noted that:

*It is agreed between the parties that based on a 5YHLS of 1,617 dwellings, 60 dpa of affordable housing could be delivered over the next 5 years. This would result in a shortfall of around 360 affordable housing units in the borough over the next 5 years. The Council could offer little evidence as to how it would address this need.*

*For the above reasons, therefore, the affordable housing component of the appeal scheme would be a significant social benefit. It would provide for households on the Housing*

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<sup>48</sup> CD6.20 Central Lancashire Strategic Housing Market Assessment (2017) Table 60

<sup>49</sup> CD8.1, para 56-57

*Register with a need for social housing in Euxton, reduce the shortfall in the supply of affordable housing across Chorley over the next 5 years and help to address the growing affordability problems in the borough.’ (emphasis added)*

- 8.31. I have also considered other national appeal decisions to inform my judgement on the weighting to be attributed to affordable housing provision within an area of identified need and shortfall. In the case of Rascals Farm, Southwater<sup>50</sup> the Inspector concluded that:

*‘The proposal would deliver up to 100 dwellings, which would make a sizeable contribution to the Council’s current shortfall. Of those new homes, 35% would be affordable housing. Given the extent of the Council’s housing shortfall and identified need for affordable housing within the District, I afford these benefits significant weight in the planning balance.’ (emphasis added)*

- 8.32. Contextually, the Inspector at Pear Tree Lane<sup>51</sup>, put the acuteness of need into sharp focus, commenting that:

*‘I acknowledge that the standard method figure of 569 dpa for Chorley, amounting to 56% of the aggregate LHN across Central Lancashire, is well above the distribution for Chorley for any of the factors assessed in the CLHS. If adopted for the emerging CLLP, it would represent a significant shift away from the current spatial strategy and housing distribution for the sub-region. However, there is also evidence, presented by the appellant, which suggests that adopting a requirement based on the MOU2 redistribution would deliver less than half of the number of homes in Chorley that the standard method LHN indicates is needed, leading to an undersupply of housing and worsening affordability in the district. Although Central Lancashire functions as a single Housing Market Area (HMA), the appellant’s evidence points to more localised sub- markets within it and a level of affordable housing need in Chorley, which the proposed apportionment of 278 dpa would fail to meet applying the current affordable housing policy.’*

- 8.33. The above paragraph extract highlights that the Inspector clearly found the Council’s proposition of a 278dpa under MOU2 would further undermine the

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<sup>50</sup> CD8.18 para 133

<sup>51</sup> CD8.1 para 29

affordability issue within the Borough and fail to properly meet needs. Less than 18 months since the Pear Tree Lane decision and the start of this inquiry<sup>52</sup>, the Council is now promoting a housing supply requirement that has been reduced by a further 60% to that which was previously argued under MOU2. At only 109 dpa this is now just one fifth of the local housing need figure calculated under the standard method and will clearly exacerbate what is already a worsening affordability issue for Chorley.

- 8.34. I have also set out in the previous sections of my evidence that there have been letters of interest from Registered Housing Providers who would be willing to deliver the social and intermediate housing on the site.
- 8.35. Considering all of the above it is clear that this existing shortfall in affordable housing will only worsen under the Council's proposition with no evidence being presented as to how the significant shortfall and identified needs will be addressed. I consider the words of Inspector Young on the appeal at Oxford Brookes University<sup>53</sup> particularly compelling and applicable to the situation in Chorley:

*It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses in South Oxfordshire. It is also evident that the seriousness of the affordable housing shortage in South Oxfordshire is having wider consequences for economic growth in the area.*

- 8.36. I therefore attach very significant weight to the provision of 9 affordable dwellings in this case, irrespective of whether the tilted balance is engaged or not.

### **Provision of on-site Open Space**

- 8.37. The appeal proposals, as shown on the Illustrative Masterplan, can provide up to 1260 sqm of public open space equating to c.15% of the site coverage. This includes the provision of a SUDs and biodiversity enhancements proposed within the northern area of the site, as well as opportunities for incidental open space and planting across the site.

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<sup>52</sup> From 11<sup>th</sup> August 2020 to 15<sup>th</sup> February 2021

<sup>53</sup> CD8.27, para 13.101

8.38. The outbreak of the pandemic and implementation of lockdown measures has placed a greater scrutiny on access to high quality amenity space and the ways in which new development can genuinely promote health and wellbeing benefits to future and existing communities. This is evidenced in the latest People and Nature Survey for England (April 2021), as undertaken by Natural England<sup>54</sup>, which found that 45% of adults said that *‘visiting green and natural spaces has been even more important to their wellbeing since coronavirus restrictions began’*.

8.39. This is also supported by new revisions to the NPPF (2021) where at para.98:

*98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change”.*

8.40. This scale of on-site provision is set against a minimum policy requirement of 456sqm<sup>55</sup> representing a c.276% over-provision above that required by Policy HS4A of the CLP. Given the relationship of the site on the immediate edge of the Adlington settlement, and excellent connectivity and permeability through footpaths, it can also be concluded that these wide-ranging benefits can extend to both existing and future residents in the wider area. The fact there is a surplus in provision within the area, as identified by the Council’s Open Space Officer response, does not diminish the benefit of this on-site provision to future and existing residents.

8.41. I do not consider that something which is provided on a development simply to comply with policy should not be regarded as a benefit. In the words of Inspector Clark at Hookhams Lane<sup>56</sup> *“planning policies are not simply directed against disbenefits; they can also seek benefits. A benefit is a benefit nonetheless.”*

8.42. I give the provision of open space significant weight in the planning balance which is higher than the Council’s ‘moderate’ which was on the basis only the minimum policy requirement was met. As shown above, the proposals provide in excess of the minimum policy requirement by a significant margin.

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<sup>54</sup> CD9.2 p.10

<sup>55</sup> 0.73 hectares (7,300 sqm) per 1,000 population. Estimated population on appeal site = 62.5 (25 dwellings x 2.5 people per household).

<sup>56</sup> CD8.39, para. 56

## Biodiversity Enhancement

- 8.43. Policy BNE9 of the CLP relates to Biodiversity and Nature Conservation which is to be read alongside the Council's Biodiversity and Nature Conservation SPD (July 2015)<sup>57</sup>.
- 8.44. Whilst these promote the securing of net gain, it does not require this and instead the policy acknowledges that this will be required '*where possible*'. It is clear therefore that a scheme which would be likely to secure meaningful net gain could be afforded more weight in decision making even if approved in outline form.
- 8.45. Whilst the site is greenfield, it has limited value in ecological terms as assessed in the Ecological Survey and Assessment by ERAP. The site does however have assets which could be enhanced in conjunction with other works to contribute towards achieving a biodiversity net gain in favour of the proposals. The proposals include provision of new tree planting which the latest NPPF strongly supports:

*"131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change".*

- 8.46. In support of this appeal, consultant ecologists – ERAP, have prepared a covering letter in support of the biodiversity gains<sup>58</sup>. This outlines this spectrum of opportunities available at this time to secure a meaningful net gain in this instance which can be secured by planning condition. These include:
- Incorporation of opportunities for roosting bats at the new properties as, although the habitats are suitable for use by foraging bat species such as *Pipistrellus* species, there are no features with suitability for use by roosting bats at the site currently;
  - Landscape planting and incorporation of opportunities for use by nesting birds at the developed site, in the public open space and at the new properties. There will be secured gains for specific species not currently able to breed at the site

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<sup>57</sup> CD7.2 Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document

<sup>58</sup> Appendix PKS7

such as swift (a red-listed bird species) and house sparrow and starling (both red listed and Priority Species) at the new properties;

- Supplementary planting of native trees and shrubs at the retained hedgerows and tree line boundary features to enhance their condition to good and to achieve improved habitat connectivity and green infrastructure around the site;
- Eradication of the 0.01 hectare area (approximately) of Japanese Knotweed (*Fallopia japonica*), an invasive species listed on Schedule 9 of the Wildlife and Countryside Act (as amended) at the site and planting of wildflower grassland;
- Creation of an area of up to 0.09 hectares of wildflower grassland in a good condition by both creation of new habitat and enhancement of existing grassland, and subsequent appropriate management for biodiversity; and
- Preparation and implementation of a Landscape and Habitat Management Plan (or similar) to secure long-term management of the retained and created habitats in accordance with conservation targets and objectives.

8.47. In this context, I believe the accruable benefits to biodiversity exceed the requirements of Policy BNE9 and can be attributed moderate weight in favour of the appeal proposals.

### **Socio Economic Benefits**

8.48. Paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth through the planning system.

8.49. I have summarised the estimated benefits of the scheme through the construction phase, using the HBF Housing Calculator<sup>59</sup>, as follows:

- Support the employment of around 77 people;
- Generate £301,325 in tax revenue, including £28,236.50 in council tax revenue;

Increase in spending for local services and facilities, improving the vitality and viability of existing services and facilities in the town. For the North West, average

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<sup>59</sup> <https://www.hbf.co.uk/policy/policy-and-wider-work-program/hbf-housing-calculator/>

household spend is estimated by the ONS to be around £530 per week<sup>60</sup>. Applying the £530 average weekly spend figure to the 25 dwellings and translating this into an annual figure, the proposed development could generate annual household expenditure of £689,000 per annum.

- 8.50. One of the key economic priorities for Chorley, as set out in the Central Lancashire Economic Regeneration Strategy<sup>61</sup>, is ‘ensuring residents and communities reach their full economic potential’. Supporting increased opportunities for local employment through activities such as housebuilding is therefore one way of encouraging such labour benefits. The letter of intent from SME housebuilder Hollins Homes states that the company supports 25 full-time employees, not including a range of external local contractors, which the development would help continue to facilitate their employment.

### **Providing Connectively to the Wider BNE3.3 site**

- 8.51. It was part of the Council’s reasons for refusal that the development of the appeal site in isolation from “the wider site allocation” would lead to a “piecemeal approach to development”. It is unclear what the Council means by the “wider site allocation” nor why this would lead to a “piecemeal approach to development” given that the appeal site and BNE3.3 is not currently a housing allocation. I have inferred from the language of the reason for refusal, and the Council’s Statement of Case, that it is expected BNE3.3 will inevitably become a housing allocation in the eLP and the importance of BNE3.3 being able to deliver housing as a whole.
- 8.52. Notwithstanding that I consider the delivery of the appeal site would not have prevented the remaining land within BNE3.3 coming forward in the future, and so could not have been substantiated in any event, the Council have withdrawn this reason for refusal in response to our offer of providing an adoptable access road and footways through the appeal site to connect to the remaining BNE3.3 area.

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<sup>60</sup> Estimates represent a three-year average and are derived from household spend by region for 2018- 20, produced by the Office for National Statistics.

<sup>61</sup> CD6.32

8.53. In this context, the appeal site would facilitate the delivery and practical reality of delivering all the safeguarded area for housing. I give positive weight in the planning balance to this.

## 9. THIRD PARTY CONCERNS

- 9.1. There have been objections from local residents to the application (and its predecessors) and to the appeal proposals, and from the town council, ward councillors and Adlington Primary School.
- 9.2. The main topic of neighbour concern is traffic generation, with some 30 objections. There are references to difficult existing traffic conditions, with queueing from the estate and concern about the structural soundness of the canal bridge, which serves as the only way in or out of this part of Adlington. Some objections offer disbelief of the TRICS data used and all consider that additional traffic would lead to unacceptable congestion.
- 9.3. There is no technical evidence to support this assessment. The TS has been carried out using industry standard methodology and data and has been scrutinised by LCC highway officers, who have no objection to the proposals. On highway matters, the response from LCC states:
- 'Using TRICS, the applicant predicts that the proposed 25 dwellings will generate 13 and 12, two-way vehicle trips during weekday AM and PM peaks respectively. The trip to be generated by the proposed development will obviously lead to increased flows on Park Lane and the surrounding highway network, however this level of impact is unlikely to adversely affect the smooth operation of the highway network including the junction of the A6 and Park Road which is a critical location on the local highway network.'*
- 9.4. The NPPF, at §111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. There is no evidence that this threshold would be met and local highway authority considers that the smooth operation of the highway is unlikely to be affected by the appeal proposals.
- 9.5. Concern is expressed at the poor bus and rail services available in the area. However, the current rail timetable for the newly electrified line provides 2-3 trains an hour each way during the morning and evening peak periods and one train

every 2 hours between the peaks and into the late evening.<sup>62</sup> Having a station so close to a proposed development is unusual and is a substantial sustainability benefit for the area, and additional patronage would be beneficial. LCC Highways seek the improvement of four bus stops and an enhancement of public transport services, which equates to one bus stop refurbishment for each 6 dwellings. Should the appeal be allowed, this will be further explored with LCC as part of the s278 agreement.

- 9.6. The facilities available within this part of Adlington are the subject of a number of representations. However, I have set out in my evidence the wide range of services in Adlington that are easily accessible on foot and cycle from the site and new development will increase potential trade to the benefit of the centre.
- 9.7. Another topic of concern is that existing facilities, such as GP practices and schools are already over-stretched. LCC education officers have provided evidence that new secondary school places are required to accommodate children from the new development resulting in a financial contribution of £92,247 to be secured within the S106 Agreement. No new primary school places are needed as there is projected to be a decrease in the number of children in attendance<sup>63</sup>. There have been no requests from the Primary Care Commission in relation to any need for mitigation in relation to healthcare provision, and no evidence that the GP list is closed.
- 9.8. There are concerns about parking-led congestion around Adlington Primary School. However, the development will not contribute to those concerns as the school is within a very short walking distance to the development.
- 9.9. Other comments relate to increased risk of surface water flooding, loss of biodiversity and access to the PROW. With regard to flood risk, development will be required to control surface water runoff from impermeable surfaces. As there are no impermeable surfaces on the site at present, it means that rainfall on around half of the site will be brought under control and discharged at a rate to be agreed with the Lead Local Flood Authority as part of a sustainable drainage strategy.

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<sup>62</sup> Appendix PKS2

<sup>63</sup> CD2.8

- 9.10. The biodiversity proposals have been considered by the Council's specialist adviser and finds them acceptable, subject to some proposed conditions which include the implementation of biodiversity enhancements as part of the development.
- 9.11. My conclusion on the third-party representations is that they do not weigh against the development nor were they sufficient to be considered by the Council as a reason for refusal. The matters considered have been addressed in the reports submitted with the application, are subject to mitigation proposals where necessary, including commuted payments, or are concerns that will not be adversely impacted by the development.

## **10. PLANNING BALANCE ASSESSMENT**

### **Engaging the 'tilted balance'**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that should regard be had to the adopted development plan, decision taking must be done so unless material considerations indicate otherwise. The NPPF paragraph 11(d) identifies that where the most important policies for determining an application are out-of-date, planning permission should be granted unless specific policies in the NPPF provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2. The evidence of Mr Saunders demonstrates the Council's inability to demonstrate a deliverable five-year supply of housing land. Under paragraph 11(d) of the NPPF the 'tilted balance' is therefore engaged which for decision making of this appeal means that planning permission should be approved unless it can be found that there are adverse impacts which would significantly and demonstrably outweigh the benefits of development.
- 10.3. The most important policies for the determination of this appeal are CS Policy 1, CS Policy 4 and Policy BNE3. The evidence of Mr Betteridge concludes that CS Policy 4 and Policy BNE3 are out-of-date, irrespective of whether there is a five-year housing supply. Whilst his conclusions are that CS Policy 1 is not in itself out-of-date, when considering the whole basket of most important policies together, they are out-of-date and thus the 'tilted balance' is engaged, irrespective of the conclusions on five year housing land supply. The only policy against which there is conflict is BNE3. Mr Betteridge concludes that this conflict should be given limited weight in the planning balance because of the need to deliver housing and the lack of any specific harm associated with the delivery of the appeal site.
- 10.4. I have set out the significant benefits in favour of the development in Section 8 of my proof and the weight I attribute to each of these. These benefits are primarily linked to the delivery of much-needed housing within an authority where there is a significant housing shortfall with a land supply of 2.4 years and an absence of a meaningful strategy in the short term to address this acute issue. In fact, the

Council's policy approach seeks to intentionally suppress the delivery of housing within the Borough.

- 10.5. This is even more significant for the provision of affordable housing where there has been a persistent under delivery against affordable needs over the entirety of the plan period which is likely to continue without intervention. The assessment of the Council's deliverable supply demonstrates that the affordability issue within the Borough will only continue to exacerbate.
- 10.6. The weighting to be attributed to each of these significant housing benefits have been considered in detail and are summarised in Table below against the Council's own assessment:

<b>Positive Benefits</b>	<b>Appellant</b>	<b>Council (Officer Report)</b>	<b>Council (SoC)</b>
<b>Market homes</b>	Significant	None	Limited
<b>Affordable homes</b>	Very Significant	None	Significant
<b>Open space</b>	Significant	Moderate	None
<b>Biodiversity net gain</b>	Moderate	None	None
<b>Economic benefits</b>	Moderate	Little weight/Moderate	Moderate
<b>Connectivity to wider site BNE3.3</b>	Moderate	None	None

### **A Lack of Demonstratable Harms**

- 10.7. Paragraph 11(d) limb ii) of the Framework requires that any adverse impacts resulting from development must significantly and demonstrably outweigh benefits. The Council's reasons for refusal do not identify any adverse impacts which would significantly and demonstrably outweigh the benefits.
- 10.8. My evidence is that the proposals represent sustainable development and are in accordance with the Framework. There is conflict with one single policy of the

CLP alone (Policy BNE3), which is out-of-date for the reasons given in evidence by Mr Betteridge.

- 10.9. While it is accepted that there is a technical conflict with Policy BNE3, the evidential basis underpinning Policy BNE3 has been found to be out of date, given its alignment and derivation to an out-of-date housing requirement established under RSS which is not meeting identified needs. This is at a time where emerging planning policy, is promoting safeguarded land such as the application site to come forward for development in the short term from 2021.
- 10.10. I set out that there are no technical matters relating to the appeal proposals where it could be considered that there would be a resultant adverse impact from development to factor into the planning balance in this instance. This is common ground.
- 10.11. Whilst at the time of refusing planning permission, the Council imposed 3 reasons for refusal, two of these are no longer being pursued which related to connectivity to the wider Safeguarded Land site and inappropriate development in the Green Belt.
- 10.12. No land use planning harm flows from any conflict with Policy BNE3 which is out of date. In fact, as a result of Policy 4 and Policy BNE3 being out-of-date, Policy MP of the Core Strategy means that the proposals are in accordance with the Development Plan as a whole.
- 10.13. My conclusion is that the appeal proposals present a situation where there is no development harm or material adverse impact. The sole issue is temporal, being when and not if consent should be granted.
- 10.14. This should be considered against the backdrop of the Council's diminishing housing land supply which has shrunk noticeably even in the space of 18 months since the Pear Tree Lane inquiry.
- 10.15. I submit that to allow this appeal would not serve to undermine any future plan making process. To the contrary, I believe it will serve to strengthen the Council's ability to formulate a robust plan, with sites delivering early in the plan period,

removing uncertainty of delivery of what it clearly believes is to be a future housing site.

10.16. Through the examination of the emerging Local Plan (whenever that may be), the Council could rely upon this site as component of a more robust housing land supply. The only difference would be that the site would be drawn as a commitment of a draft housing allocation with planning permission. This is not a different situation to that at the time of the Council adopting the CLP whereby commitments were already in place.

10.17. In conclusion, I submit there to be no material adverse impacts or harm arising from the appeal proposals. Taking this against the significant benefits that weigh heavily in favour of the appeal, I conclude that the appeal should be allowed.

#### **Assessment of Benefits under a ‘Flat Balance’ Scenario**

10.18. Should the Inspector disagree with me and find that Policy 4 and BNE3 are up to date and that the Council can demonstrate a five-year housing land supply then I accept that the tilted balance is not engaged and instead requires the planning balance to be determined in a ‘flat balance scenario’.

10.19. In this instance I have considered whether there are material considerations which outweigh the policy conflict with Policy BNE3. As helped by the evidence provided by Mr Betteridge and Mr Saunders, my conclusion does not change, and I consider that planning permission should still be granted.

10.20. This was also the position taken by Inspector Hayden in the Pear Tree Lane appeal decision just 18 months ago where he concluded<sup>64</sup>:

*Overall, therefore, notwithstanding the proposal’s conflict with the appeal site’s designation as Safeguarded Land in Policy BNE3 of the CLP, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is a material consideration which, in this case, warrants a decision other than in accordance with the development plan. Even if I were to conclude that the ‘tilted balance’ was not engaged in this case, applying the ‘flat balance’ under section 38(6), I find that the significant benefits of the proposal in addressing housing needs in Chorley would outweigh the harm*

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<sup>64</sup> CD8.1, para 105

*due to the conflict with Policy BNE3 and its effects on the landscape, visual amenity and the significance of the heritage asset. As such the material considerations would still warrant a decision other than in accordance with the development plan. Accordingly, the appeal should be allowed.*

- 10.21. It is of note that this was still his conclusion despite accepting there were some harms associated with landscape, visual amenity, and the significance of a heritage asset. No such harms are alleged on the appeal site before this inquiry.
- 10.22. I have also referred to other appeal decisions nationally to support my conclusion.
- 10.23. I also note that positive outcomes attributed to the over-provision of on-site open space, securing a level of biodiversity improvements, and numerous economic benefits, providing future connectivity to the wider safeguarded site and the provision of an important small-medium sized site for a SME housebuilder, should continue to carry the same level of weight.
- 10.24. In considering the weight towards the benefits of housing provision, I am informed by the Secretary of State's conclusion in the appeal decision at Money Hill<sup>65</sup> where, despite the local authority demonstrating a five year housing land supply position, it was found that:

*He agrees with the Inspector that there is also a current national imperative to boost the supply of housing and, in recognition of this, the Council rightly does not cite their five year housing land supply as a reason to withhold planning permission (IR87). The Secretary of State attaches significant weight to the fact that the proposed development would provide for 605 new homes of which up to 182 would be affordable.*

- 10.25. Under the same circumstances at a more recent appeal decision at Nantwich<sup>66</sup>, the Secretary of State also concluded that significant weight was afforded noting 'nationally it is a government policy imperative to boost the supply of housing'.
- 10.26. This appeal decision was recognised by the Inspector in the most recent case at Land to the North of Bigsby Road, Retford<sup>67</sup>, where it was found that similar weight should be applied to housing benefits. The Inspector also considered the

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<sup>65</sup> CD8.24 para 14

<sup>66</sup> CD8.25 para 28

<sup>67</sup> CD8.26 para 111

provision of affordable housing more specifically and noted too that *‘The provision of affordable housing attracts significant weight as delivery has been very low in the area in recent years and a significant need for affordable housing is identified’.*

- 10.27. In the case of Chorley there is evidence of a diminishing supply both quantitatively and qualitatively, and therefore the delivery of a small-medium sized, single site such as at Carrington Road, Adlington, will bring about the benefit of supplementing this supply which currently comprises a significant proportion of windfall sites and individual dwelling schemes as set out in the evidence of Mr Saunders. My evidence is that by having this site as a commitment only adds to the soundness of the supply and the plan-making process at such time that the emerging Local Plan is progressed to the EIP stage. Furthermore, the Council’s current approach to reducing the housing requirement and the reduced housing delivery year on year will only serve to create a significant shortfall early in the new plan period of not just market housing, but affordable housing too. This is a shortfall that would be assisted by the delivery of the appeal site which the appellants consider could reasonably start building out from January 2024 if the appeal is allowed.
- 10.28. From September 2022, five years since the MOU1 was signed off (September 2017), this joint agreement will be rendered time expired and out of date, as set out by Mr Saunders and Mr Betteridge. The standard method would form the basis for calculating the housing requirement in Chorley. On this basis, it is common ground Chorley would not be able to demonstrate a five year land supply from September 2022 applying the standard method figure. So even accepting the Council’s land supply case in full, it is a position that would be very short-lived.
- 10.29. For all the above reasons, and recognising the clear precedent in national appeal decisions, I conclude that the same should also apply in this case and that significant weight be attached to the provision of market housing and very significant weight to the provision of affordable housing. Further, there are a number of additional benefits which weigh in favour of the proposals irrespective of whether the tilted balance is engaged.

10.30. In conclusion, should it be found that the Council can demonstrate a 5YHLS or that Policy 4 and BNE3 are up to date, then planning permission should still be granted when applying the 'flat balance'.

### **Summary and Conclusion**

10.31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

10.32. It has shown that the proposals accord with all but one policy in the Development Plan, that being conflict with Policy BNE3 which establishes the appeal site designation as Safeguarded Land.

10.33. Policy BNE3 has been found to be out-of-date, given it is underpinned and its boundaries derived by an out-of-date constrained housing requirement under Policy 4 of the CLCS. The fact that the site has been earmarked to deliver housing within the new plan period with a published base date of 2021, and that there are limited opportunities to meet identified needs other than releasing Safeguarded Land, further reduces this policy conflict.

10.34. Taking account of Mr Betteridge's evidence that the basket of most important policies for this decision (CS Policy 1, CS Policy 4 and BNE3) are out-of-date, and because the Council are unable to demonstrate a 5YHLS, I move onto Paragraph 11d of the Framework which sets the clear benchmark for decision making. Accordingly, the 'tilted balance' is engaged, meaning that any adverse impacts must significantly and demonstrably outweigh the associated benefits of development in order to refuse planning permission.

10.35. I have identified there to be an absence of any material harm and adverse impacts. There is conflict with Policy BNE3 which due to it being out-of-date is given limited weight. Policy MP means the proposals are in accordance with the Development Plan as a whole. Even if BNE3 is not considered out-of-date, there would only be a temporary harm linked to the development of Safeguarded Land. This temporal harm is negligible and will continue to diminish as the eLP progresses. On the contrary, there are logical and sound reasons to allow the

appeal in this case which will support the robustness of the emerging plan-making process.

- 10.36. Set against the significant benefits that weigh heavily in favour of the appeal, I conclude that the appeal should be allowed if the 'tilted balance' is engaged.
- 10.37. As set out above, were it found that Policy 4 and BNE3 are up-to-date, and the Council can demonstrate a 5YHLS meaning the 'tilted balance' is not engaged, applying the 'flat balance' I still conclude that the significant benefits of the proposal in significantly boosting the supply of housing land and contributing to meeting housing needs in Chorley, would demonstrably outweigh the harm due to the limited conflict with Policy BNE3, and the appeal should be allowed.