



CBC04P

**TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER
SECTION 78 BY GLADMAN DEVELOPMENTS LTD**

CHORLEY REFERENCE: 19/00654/OUTMAJ

PLANNING INSPECTORATE REFERENCE:

APP/D2320/W/20/3247136

PROOF OF EVIDENCE

OF

ZOE WHITESIDE

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1. Introduction

- 1.1 This Proof of Evidence has been prepared by Zoe Whiteside, Service Lead - Spatial Planning, Chorley Council
- 1.2 I am a Licentiate Member of the Royal Institute of Planning, and a Chartered Member of the Chartered Institute of Housing. I have a master's degree in planning from the University of Manchester.
- 1.3. This evidence is provided on behalf of Chorley Borough Council in relation to the appeal against the refusal to grant outline planning consent for up to 180 dwellings with associated open space and landscaping with all matters to be reserved except for site access.
- 1.4 I address, in whole or part, the matters of:
 - (a) Whether the Council can demonstrate a five year supply of deliverable housing land against the housing requirement.
 - (b) Whether or not the most important policies of the development plan for determining the appeal are out of date, having regard to the 5 year housing land supply position and relevant national policy.
 - (c) Whether this, or any other material consideration, would justify the development of safeguarded land at this time.
- 1.6. This Proof of Evidence supports the reason for refusal and also provides an assessment of the overall planning balance, reaching a conclusion whether planning permission should be granted. My evidence refers to a number of supporting evidence documents contained in the Core Documents for the inquiry. In this proof they are referred to by reference number in the Core Documents List to assist the Inspector's appreciation of the case. The case will be discussed at the Public Inquiry due to commence at 10am, 23rd June 2020

2.0 The Site & Surrounding Context

- 2.1 The appeal site comprises 7.3 ha of open countryside land which is currently used for agriculture. It is located on the eastern edge of Euxton to the south and east of School Lane.
- 2.2 To the west of the site is the settlement of Euxton, the neighbouring development is a ribbon of houses fronting School Lane. To the north the site is bounded by an existing tree line, beyond which is a housing allocation in the Local Plan under construction. To the south the site is bounded by a row of mature trees and hedgerows with Valley Park beyond. The east of the site is bounded by Pear Tree Lane; beyond this the countryside is designated as Green Belt.

Planning History

- 2.3 Planning permission was refused on 8th December 2016, for an outline planning application (16/00489/OUTMAJ) at land at Pear Tree Lane, Euxton, Chorley, Lancashire PR7 1DP (i.e. the application or appeal site), for up to 165 dwellings (30% affordable), planting and landscaping, informal open space, children's play area, surface water attenuation, two vehicular access points from School Lane and associated ancillary works. All matters to be reserved with the exception of the main site access.
- 2.4 An Appeal against that refusal of planning permission was dismissed (APP/D2320/W/17/3173275) by decision letter dated 30th November 2017.

3. The Proposed Development

- 3.1 Chorley Borough Council validated the planning application that is the subject of the appeal on the 8th July 2019.
- 3.2 The application is an outline planning application for up to 180 dwellings of which 30% are proposed to be affordable. Access to the site is sought as part of this application and would be from School Lane via two new priority junctions to the west and north of the site. The outline plan includes for the provision of planting, landscaping, public open space, children's play area and surface water attenuation with all the details to be considered at reserved matters stage.
- 3.3 Planning permission was refused by the Planning Committee which took place on the 12th November 2019 which was notified by a refusal notice issued 13th November 2019. It was refused for the following reason:

The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council 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 the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

4. Planning Policy

The Development Plan

4.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that this appeal must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

4.2. For the purposes of this appeal the Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012-2026.

Central Lancashire Core Strategy (CD7.14)

4.3. The Central Lancashire Core Strategy was adopted in July 2012. It is a strategic planning document that covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA).

4.4. Policy 4 of the Plan sets the following minimum requirements for housing development across the Core Strategy area.

- Preston 507 dwellings pa
- South Ribble 417 dwellings pa
- Chorley 417 dwellings pa

4.5. Policy 7 of the Plan seeks to ensure sufficient affordable housing and special needs housing is provided to meet housing needs. It sets a requirement of 30% affordable housing on residential schemes within urban areas of 15 or more dwellings.

Chorley Local Plan (CD7.01)

4.6 The Chorley Local Plan (Site Allocations and Development Management Policies DPD) was adopted in 2015. It post-dates the NPPF and is a Framework compliant Plan. It forms the second limb of the Development Plan for Chorley and sets out the detail of how the Core Strategy targets and aims will be delivered in Chorley. Euxton is identified within the Plan as an Urban Local Service Centre.

4.7 Policy V2 establishes the Settlement Areas in the Borough. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies of the Development Plan. It is within these areas (and the strategic allocations) that the majority of development is envisaged to take place.

- 4.8 Policy HS1 identifies the housing allocations that have been made to meet the requirements of the Core Strategy over the Plan period (5,755 dwellings). Policy HS1 allocates land for 5,607 dwellings; the remaining units will be delivered from existing commitments and a small windfall allowance.
- 4.9 Policies HS4A and HS4B set the open space and playing pitch requirements that new residential development must achieve.
- 4.10 Policy BNE3 identifies areas of land safeguarded for future development needs; these areas can be seen on the policies map. These areas are defined in accordance with paragraph 139 of the NPPF. They have been identified to ensure that the Green Belt boundaries in the Local Plan are “*long lasting*” to meet longer term development needs stretching well beyond the Plan period (CD7.01, paragraph 7.15). The appeal site is covered by this designation.
- 4.11 Policy BNE8 affords protection and enhancement of heritage assets including listed buildings and adheres to minimising the impact on heritage assets.
- 4.12. Policy BNE9 biodiversity and nature conservation affords protection to designated sites and species and sets a number of provisions to which new development should adhere. These provisions include a net gain in biodiversity where possible, and mitigation measures where necessary.
- 4.13. Policy BNE10 seeks to avoid tree loss as part of new development and directs that replacement planting will be required where losses are deemed necessary. The policy also requires an associated maintenance scheme.
- 4.14. Policy HW3 states that proposals to enhance the recreational value of the Valley Parks at Yarrow Valley, Cuerden and Chapel Brook will be permitted if it can be demonstrated that they would not detract from the amenity, recreational and wildlife value of the Valley Parks.

Other Material considerations

- 4.15. The National Planning Policy Framework (NPPF) (CD12.01) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at

paragraph 8 and it is fundamental that development strikes the correct balance between:

- Environmental - the protection of our natural, built and historic environment.
- Economic - the contribution to building a strong and competitive economy.
- Social - supporting strong, vibrant and healthy communities.

4.16. Paragraph 10 of the NPPF states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

4.17 Paragraph 11 of the NPPF States for **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

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

Footnote 6 to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where an LPA cannot demonstrate a five year supply of deliverable housing sites.

4.18. Paragraph 59 of the NPPF states the Government's objective of significantly boosting the supply of homes.

4.19 Paragraph 60 of the NPPF reinforces that requirements represent the minimum number of homes needed.

4.20 Paragraph 73 of the NPPF requires LPAs to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated

using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.

- 4.21. Of particular significance here, section 13 of the NPPF sets out the Government's policy on protecting Green Belt land. It begins by stating that "*the government attaches great importance to Green Belts*". The importance of the permanence of the Green Belt is reiterated. Paragraph 139 explains that Local Authorities should, where necessary identify in their plan's areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period. It further states that Local Authorities "*should make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development*".
- 4.22 Section 16 of the NPPF sets out the importance of heritage assets, how these are an "*irreplaceable resource*" and so should be preserved for future generations to come. NPPF requires that "*great weight be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*"

5. Whether the Council can demonstrate a five year supply of deliverable housing land against the housing requirement.

5.1 The purpose of this section is to refer in particular to previous Inspector's observations in respect of MOU1, to describe the consultation undertaken in respect of MOU2, and to expand on the significance of the distribution of housing within the CL Housing Market Area from a planning point of view (paras. 5.10-15 & 5.21-24). The remaining text is contextual and I defer to Leona Hannify and Katharine Greenwood in respect of other and more detailed matters bearing on housing land requirement and supply.

5.2 The relevant housing requirement is now to be identified in accordance with the proper interpretation of NPPF [73] & footnote [37]. NPPF [73] provides so far as relevant that:

'73. ... Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old³⁷. The supply of specific deliverable sites should in addition include a buffer ...' (underlining ('u/l') added)

Footnote [37] reads:

'Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in [NPPG].' (u/l added)

5.3 The first sentence within footnote [37] is a critical qualification to the second/alternative limb of the sentence within paragraph [73] to which it is attached. This is a qualification which NPPG paragraph: 030 Ref ID: 3-030-20180913 reflects, and to which NPPG paragraph 004 Ref ID: 2a-004-20190220 makes repeated reference, lest its significance be overlooked.

5.4 The Core Strategy sets out strategic policy applying within Chorley, including Policy 4 (Housing Delivery). That policy concerns the housing requirements within Central Lancashire and the distribution of provision to meet them across the three local

planning authorities it comprises. The strategic rationale for collaborative plan-making is well-established.

- 5.5 The Core Strategy policies are more than five years old (adopted July 2012), and Core Strategy Policy 4 no longer provides a satisfactory basis for the five year housing land supply requirement. It has been superceded by the standard method.
- 5.6 The aggregate standard method housing requirement figure for Central Lancashire equates to 1,010 dwellings per annum (provision of 18,180 dwellings over the period 2018 -2036), which is lower than the Core Strategy total requirement of 1,341 dwellings per annum. It is recognised the standard method requirement figure is a minimum figure and the Central Lancashire authorities are proposing a redistribution by the Central Lancashire Memorandum of Understanding and Statement of Co-operation, April 2020 (CD7.23) following robust evidence from the Central Lancashire Housing Study (CD7.05).
- 5.7 The Council has a five-year land supply (CD7.21) as covered by the Statement of Common Ground 2 (CD 7.21). In accordance with paragraph 47 of the NPPF the Council have identified in excess of 5 years supply of housing and there is an additional buffer of 5%.
- 5.8 The three councils of Chorley, Preston and South Ribble entered into a Memorandum of Understanding (hereafter referred to as MOU 1) (CD 7.22) in September 2017 and this document provides clear evidence of the close working relationship between these three authorities in plan-making, building on the extant Core Strategy and committing to the preparation of a new single Central Lancashire Local Plan, which is now in progress.
- 5.9 The MOU1 records the continuing agreement upon an appropriate spatial distribution of future residential development across the Housing Market Area (HMA) whose sustainability was tested through the Core Strategy examination process. That distribution which reflects Policy 4 of Core Strategy (Table 4, page 71) (and exceeds the Standard Housing Method aggregated across the HMA).
- 5.10 MOU1 reflects the single HMA across Central Lancashire and is a policy-on response to the findings of the Strategic Housing Market Assessment (SHMA published in 2017) which concluded that: 'the spatial distribution of need within the HMA varies depending on judgements made on projections. There has been a historical over-delivery of homes in Chorley relative to housing requirement policies,

compared to an under-delivery in Preston and South Ribble' (CD7.25, para 11.28 page 190).

5.11 The appeal decision (Land off Sandy Gate Lane, Broughton, Preston, Ref: APP/N2345/W/17/3179105) concluded that MOU1:

"is effectively a joint declaration of intent as to how the Councils will for the time being distribute new housing between and across their respective and combined areas" (CD10.02, Paragraph 44 page 8).

5.12 The appeal decision (Keyfold Farm, 430 Garstang Road, Broughton, Preston Ref: APP/N235/W/17/3179177, CD10.03, paragraph 55, page 10) concluded:

"...the Memorandum of Understanding is clear in specifically agreeing that the adopted development plan is currently the proper basis for determining the housing requirement within the individual local planning authority areas".

5.13 Following the publication of the draft Icen Central Lancashire Housing Needs Study in October 2019, the Central Lancashire authorities consulted on the Memorandum of Understanding and the Statement of Co-operation (Relating to the Provision and Distribution of Housing Land- hereafter referred to as MOU2). The Central Lancashire Authorities consulted on the MOU2 over a period of 7 weeks. The first consultation was between 4th November 2019 and 15th November 2019 (two full calendar weeks, 10 working days). Feedback from this initial consultation suggested the consultation period was too short. These comments were taken on board and the consultation was re-opened between 9th December 2019 and 13th January 2020 (five calendar weeks, 22 working days).

5.14 The consultation was publicised on the Central Lancashire Local Plan website and on the websites of the three Central Lancashire authorities. The following stakeholders were consulted for both consultations:

- Developers and agents (as registered on the Central Lancashire Developer Forum mailing list).
- All Parish Councils within Preston, South Ribble and Chorley.
- All Elected Members within Preston, South Ribble and Chorley.
- All County Councillors representing Preston, South Ribble and Chorley.

5.15 A total of 37 responses were received to the consultation on the MOU2 and these matters are addressed in the evidence of Leona Hannify.

- 5.16 Following the consultation and publication of the Central Lancashire Housing Needs Study the Memorandum of Understanding (CD7.23) was approved by Chorley Council on Tuesday 25th February 2020, South Ribble Borough Council on Wednesday 26th February 2020 and Preston City Council (Leader taking Executive Decisions during the Covid-19 Outbreak) on Friday 17th April 2020.
- 5.17 Following the release of the median work-place based affordability ratios in March 2020 and applying these to the formula as set out in Planning Practise Guidance (Paragraph: 006 Reference ID: 2a-006-20190220), the aggregate Central Lancashire minimum annual local housing need figure was at April 2020 is therefore equal to **1,010** dwellings.
- 5.18 In May 2020, the three Councils have approved an addendum to MOU2, entitled Joint Memorandum of Understanding & Statement of Co-operation Relating to the Provision and Distribution of Housing Land: Statement of Common Ground (Hereafter referred to as MOU2 Statement of Common Ground (CD 7.34).
- 5.19 As at 1st April 2020, the application of the agreed distribution ration to this aggregate figure results in the following requisite minimum housing requirements for each Central Lancashire authority:
- | | |
|---------------|---------------------------|
| Preston: | 404 dwellings pa |
| South Ribble: | 328 dwellings pa |
| Chorley: | 278 dwellings pa |
| Total: | 1,010 dwellings pa |
- 5.20 Preston City and South Ribble and Chorley Borough Councils recognise that their combined area functions as one integrated local economy and travel to work area, as well as a single Housing Market Area, with self-containment for commuting of 71-74% and for migration of 82-83% (CD7.25, SHMA 2017, Section 2).
- 5.21 There has been no change in Planning Practice Guidance regarding how housing market areas are defined between the publication of the SHMA in 2017. The Central Lancashire Housing Study (CD7.05, paragraph 2.5) concludes that the SHMA definition of the Central Lancashire HMA as comprising Preston, Chorley and South Ribble remains appropriate.

- 5.22 Annual dwelling completions in Chorley Borough have in the past exceeded the rate envisaged within Core Strategy Policy 4, whereas those in Preston City and South Ribble Borough have fallen substantially short. For this and other reasons Government has entered into a City Deal with these authorities and Lancashire County Council.
- 5.23 The absence of a strategic approach to the distribution of housing distribution and would be inconsistent with this evidence-led, government supported approach and has the potential to frustrate the objectives of the City Deal, which are intended to deliver sustainable growth and contribute to a balanced housing market.
- 5.24 Any change in the distribution of both housing and employment land allocation needs to be supported by robust evidence and subject to full and proper assessment and consultation, with a full consideration of the infrastructure required to ensure sustainability and compliance with NPPF. It is not for Chorley Council to simply adopt a higher figure outside of a full and NPPF compliant review of the Central Lancashire Local Development Plan which is now underway and will include a review of the Core Strategy Policy 4 (Housing Delivery) CD7.14, page 71).
- 5.25 A strategic, evidence-led approach to an appropriate distribution of housing across Central Lancashire culminating in the adoption of MOU2, negated the need for Chorley to consider a request to Preston and South Ribble Councils to address unmet need deriving from the standard methodology applied to Chorley unabated.

6.0 Whether or not the most important policies of the development plan for determining the appeal are out of date, having regard to the year housing land supply position and relevant national policy

Relevant National Policy

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that this appeal must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Statement of Common Ground agreed between the parties refers to a number of development plan policies, and it is clearly the case that the development plan falls to be applied as a whole. The most important policy amongst these, however, is – as in the previous appeal – Policy BNE3, and I have therefore focussed on whether that policy in particular is out of date.

6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which means that for decision taking, stating “Approving development proposals that accord with the development plan without delay or where policies which are most important for determining the application are out of date , granting permission unless:

i)the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

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

6.3 Foot note 7 of the NPPF states that for applications for housing, this includes “Situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73) ;or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.

6.4 The Council is able to demonstrate a five year housing land supply therefore it is considered therefore that the Development Plan policies in respect of housing are not "out of date" in that regard. Neither is its most important component otherwise out-of-date.

6.5 Paragraph 139 of NPPF states that local planning authorities should “where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period” and

“make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan, which proposes the development”.

6.6 Policy BNE3 of the Chorley Local Plan is compliant with paragraph 139. It is the principle of not developing this site within the plan period that is therefore established by the development plan; and consideration must therefore be given to whether there are any other material considerations that would outweigh the significant weight to be afforded to the development plan and the consequences of its breach.

6.7 Policy BNE3, and the other strategic housing policies V2 and HS1 set the spatial strategy for housing in the Borough for the period 2012 - 2026. Housing growth is directed towards urban areas and a number of sites allocated in line with Core Strategy Policy 1 (Locating Growth). This development proposal located outside the settlement boundary of Euxton and in an area of safeguarded land is in clear breach of this strategy (CD7.01, Map 9).

6.8 Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (CD7.01, Policy BNE2, page 46) will not be permitted on Safeguarded Land. The proposal is therefore contrary to Policy BNE3.

6.9 The Inspector for the 2017 Pear Tree Lane appeal afforded “ *Very substantial weight to the conflict with the development plan in the planning balance*”.

6.10 The appeal site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3) (CD 7.36)). In the Chorley Borough Local Plan Review in 2003 the appeal site was again designated as Safeguarded Land under Policy DC3.

6.11 The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley’s housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3, a

restraint policy to provide for potential future development needs beyond the Plan period (i.e. after 2026).

6.12 Policy BNE3 (page 47) is in full accordance with the NPPF which confirms that:

“Safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposed the development” (para 139). It is considered that full weight should be attached to Local Plan Policy BNE3. When the Local Plan was adopted it was envisaged that Safeguarded Land would be protected until 2026.

6.13 There has, importantly, been no material change in respect of safeguarding policy from the date of the previous appeal decision (CD10.01, Land at Pear Tree Lane, Euxton, Chorley, APP/D2320/W/17/3173275). The exclusion of safeguarded land from footnote 6 of the NPPF does not result in any material change bearing in mind that the tilted balance was not applied in the previous appeal decision in any event.

6.14 It remains that as the Inspector found previously, the proposal would *“Quite clearly fail to comply with the core principle of the Framework that planning be genuinely planned”* (CD12.01, paragraph 39). Very substantial weight therefore continues to attach to the conflict with the development plan and the NPPF combined in the planning balance.

6.15 The appellant’s Statement of Case suggests that Policy BNE3 is a policy for the supply of housing (para 8.1.2), as the Council is unable to demonstrate a five year housing land supply and in that context, land which has been taken out of the Green Belt and safeguarded for the provision of housing in the future, and which is proposed as an emerging housing allocation, is eminently an appropriate location for development to make up the shortfall in land supply. It is suggested by the appellant to be more appropriate than an ordinary greenfield site which has not been earmarked in this way.

6.16 BNE3 is not a policy for the supply of housing. The development of safeguarded land is a clear-cut breach of development plan policy aimed at safeguarding the Green Belt (a policy, which is itself clearly up-to-date). Significant weight therefore attaches to that policy and the proposed breach of it. The grant of planning permission now, prior to the conclusion of the preparation of the new Central Lancashire Local Plan, would also be contrary to paragraph 139 of the NPPF, to which breach significant weight also attaches. Policy BNE3 (CD7.01 page 47) is in accordance with paragraph 139 of the Framework which states that local planning authorities should:

c) *“where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period”* and:

d) *“make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”* and is therefore up-to-date.

6.17 Land is allocated as such to ensure that Green Belt boundaries last for a long time. It is protected from development until a time in the future which it might be required to serve development needs. The main purpose of designating Safeguarded Land in Chorley is to ensure that the inner boundary of the Green Belt will endure in the long term rather than act as a land bank for future development. Designating land as safeguarded does not mean that its development is inevitable in the long term.

6.18 Retaining this land for future development needs at this time is consistent with the purposes of designating the site as safeguarded land within the Local Plan, in accordance with the NPPF.

6.19 In relation to Safeguarded Land, the Inspector for the appeal Land at Pear Tree Lane, Chorley, recorded in their decision notice at paragraphs 37 and 38, page 9) :

“Safeguarded land is land which is likely to be suitable for development in the long term, which for strategic purposes is considered unsuitable for development within the plan period or short term. As such, I am conscious that the purpose of safeguarded sites is to indicate the long- term direction of development as a means of ensuring the protection of the Green Belt in the short and medium term. Their retention for that purpose, albeit not permanently, therefore has an important strategic role. In assessing the harm that would arise from the release of the site I accept that the potential for release beyond the plan period indicates that it is appropriate to judge the harm that would arise from release now, against that arising from development at a future date. I also take into account that the harm arising to the objectives of policy from the release of safeguarded sites will be less than that which would arise from the release of Green Belt, which is intended to be permanent.

Nevertheless, the specific identification of such sites as being safeguarded at this time elevates the importance of their protection above that of other open countryside during the plan period. Indeed Paragraph 85 of the Framework explicitly states that planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development” (APP/D2320/W/17/3173275) (underlining added).

6.20 The Inspector for the previous appeal decision also states in paragraph 3:

“..... Nonetheless, the release of the site within the plan period, when the Framework explicitly directs otherwise, would quite clearly fail to comply with the core principle of the Framework that planning be genuinely plan-led. I therefore attribute very substantial weight to the conflict with the development plan and the NPPF combined in the planning balance”. The restrictive nature of BNE3 was fully considered by the Inspector of the Chorley Local Plan (CD7.26) who considered safeguarded land in detail finding that:

“these sites serve an important planning purpose of ensuring the longevity of the Green Belt boundaries”.

6.21 It is clear from the Inspector’s Report that representations were made to the Local Plan Examination which supported the view that the proposed policy would be too restrictive (particularly in light of a shortfall in housing supply) and that the policy should be amended. The Inspector notes at paragraph 168 of her report:

“The policy [BNE3] has been criticised for being inflexible by not permitting the early release of safeguarded land, for contingency, if needed to ensure an adequate housing land supply during this Plan period.

However, as I have concluded in Issues 3 and 5, the Plan provides an adequate supply of housing and employment land. Furthermore, providing early release flexibility within Policy BNE3 would be inconsistent with paragraph 85 of the Framework, and would make the policy unsound”.

6.22 For the purposes of this appeal, it is appropriate to compare and contrast any changes which have occurred in national policy relevant to this case because if there have been no material changes in relevant national policy, then there can be no basis on which to suggest that the outcome of the particular application to those relevant national policies should be any different to the findings of the

Inspector in the previous appeal in 2017. (NPPF) published 27th March 2012 states *“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions”*.

Paragraph 85 of the 2012 the NPPF confirms that: *‘Safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development’* .

6.23 Section 139 of the extant NPPF states that when defining Green Belt boundaries, plans should *“Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”*.

Harm

6.24 Although the Council does not consider that the impact on the character and appearance of the area and local highway network merit reasons for refusal, development of the site will clearly impact upon both. The relative performance of this and other safeguarded sites in these and other respects (including sustainability more generally) should properly form part of the Local Plan review process. The assessment should not be carried out piecemeal through the development management process.

6.25 As can be seen from the Euxton Inset Map (CD7.01, Map 9) there is little land outside of the Green Belt surrounding Euxton. Releasing and developing on this safeguarded land now, outside of the Local Plan process, could lead to increased pressure being placed on Green Belt land surrounding Euxton either within the Plan period or at the next Local Plan review.

6.26 The proposal would result in the irreversible loss of a safeguarded green field site not required to meet current housing needs at this point in time. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The NPPF is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review.

6.27 Two High Court cases of relevance concern legal challenges by the Appellant to two appeal decisions made by Planning Inspectors relating to the interpretation of paragraph 11(d)(ii) of the NPPF. The principal question for the court was “*Does that policy require as the Claimant submits, the ‘tilted balance’ to be struck without taking into account policies of the development plan, leaving those matters to be weighed separately under s.38(6) of the Planning and Compulsory Purchase Act 2004?*” The Recent High Court Case – *Gladman Development Ltd v SSHCLG & Corby BC; & Uttlesford DC* (2020) EWHC 518 (Admin).

6.28 The appellant argued that it was a misinterpretation of the tilted balance in paragraph 11(d)(ii) of the NPPF to have any regard to the development plan or its policies when answering the paragraph 11(d)(ii) question – whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies in the NPPF taken as a whole.

6.29 NPPF paragraph 10 states “*So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development* (paragraph 11).

6.30 NPPF paragraph 11 says:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

6.31 Footnote 6 referenced in paragraph 11d) i) above provides:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable

habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change”.

Mr Justice Holgate decided that paragraph 11(d)(ii) did not require development plan provisions to be excluded from consideration and that decision-makers may take them into account when conducting the tilted balance exercise. Mr Justice Holgate concluded that paragraph 11(d)(ii) did not exclude consideration of development plan policies in the tilted balance.

6.32 It was made clear that decision-makers may conclude that development plan policies should be given substantial or even full weight.

6.33 Mr Justice Holgate also accepted the Secretary of State’s submission that there was no legal justification for requiring the tilted balance in paragraph 11(d)(ii) and the s38(6) PCPA 2004 balance to be applied in two separate stages in sequence. There is nothing in the operation of the two presumptions which requires them to be applied separately in two stages. The Judge concluded that it was permissible for a decision-maker, having assembled all the relevant material, to undertake the two balances together or separately. He commented that the position is no different in substance if the decision-maker applies an overall judgement to all relevant considerations which takes into account the presumptions in both paragraph 11(d)(ii) and s38(6).

6.34 It is clear from Mr Justice Holgate that the tilted balance does not oust or trump the proper application of Section 38(6).

6.35 Section 13 of the NPPF states that *“The Government attaches great importance to Green Belts”*. This chapter of NPPF sets out the framework against which, Green Belt should be maintained with changes in only exceptional circumstances and even then, those must be set out in strategic policies.

6.36 Section 138 of the NPPF requires local planning authorities to achieve the following objectives when defining Green Belt objectives:

[c] *“where necessary, identify areas of safeguarded land between the urban area and the Green Belt , in order to meet longer-term development needs stretching well beyond the plan period”* and

[d] *“make clear that the safeguarded land is not allocated for development at the present time. **Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”**.*

7.0 Whether this, or any other material consideration, would justify the development of safeguarded land at this time

7.1 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise. Material considerations, such as the benefits of the scheme, are capable of outweighing the harm arising from conflict with a development plan. To be able to undertake such a balance, the weight which should be attributed to a breach of the policy needs to be determined.

7.2 Policy BNE3 of the Chorley Local Plan is clear; there is to be no development of designated safeguarded land within the Plan period. The grant of planning permission would result in serious harm - first and foremost, and as previously found – to the permanence of the Green Belt boundary in the Borough.

7.3 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), this proposal being contrary to the provisions of the Development Plan, should be refused and the appeal respectfully dismissed unless material considerations indicate otherwise. Material considerations are considered in detail below.

The Emerging Central Lancashire Local Plan

7.4 The assessment of Safeguarded Land is being undertaken as part of a comprehensive review of the Central Lancashire Local Plan. This assessment process will ensure that the most suitable areas of Safeguarded Land are released if required and brought forward for development where appropriate, thereby minimising harm to Green Belt Boundaries. Granting planning permission on safeguarded land outside that process means that the opportunity is not taken to ensure that the decisions taken are least harmful. There is a total of 11 Safeguarded Land sites designated in the Chorley Local Plan (which includes the appeal site and adjacent area forming site BNE3.9 (CD7.01) Policies Map 1, Chorley Borough). The assessment should not be carried out ad-hoc through the development management

process, rather as part of a holistic Strategic Housing Economic Land Availability Assessment and sustainability appraisal process.

- 7.5 The new Local Plan will cover the whole single housing market area. Once adopted, the Local Plan will guide the future growth and development in the Central Lancashire area and replace the Central Lancashire Core Strategy (adopted in 2012) and the Local Plans/Site Allocations and Development Management Policies of the three Central Lancashire Authorities (all adopted 2015). To date, three call for sites exercises have been undertaken, and consultation on an Issues & Options version of the plan ended on 14th February 2020.
- 7.6 The appeal site is identified as a potential allocation for housing in the Issues and Options draft of the plan (CD 7.02, Annex 1 – Site Suggestions Proposed by Chorley, SHELAA reference 19C264x). The appeal site of 7.34 hectares forms part of a larger designated Safeguarded Land site totalling 16.6 hectares (Chorley Local Plan, Policy BNE3.9). An area of 11.57 hectares (including the appeal site) has been proposed for the designation as housing referenced as Annex 1, 19C264x with Plan (Site Suggestions Proposed by Chorley, page 16).
- 7.7 The remainder of the Safeguarded Land designation (Chorley Local Plan, Policy BNE3.9, has not been proposed for a use in Annex 1 (Site Suggestions Proposed by Chorley)) so in principle would remain as Safeguarded Land protected by a Valley Park designation (CD7.01 Policy HW3, Valley Parks, page 59 and Euxton Inset Map 9 known as Chapel Brook). This area is also protected by Chorley Local Plan Policy HW2 (Protection of Existing Open Space, Sport and Recreational Facilities (CD7.01, page 59 and Euxton Inset Map 9).
- 7.8 All sites submitted as part of the Call for Sites exercises have been considered by Chorley Council. However, it is important to note that detailed assessments including flood risk, impact on the local environment and cumulative infrastructure requirements including strategic school provision, transport and health provision have not yet been finalised. Duty to Cooperate engagement has commenced with a number of partners including Lancashire County Council as the education authority, and the NHS on infrastructure requirements in the Borough. These infrastructure requirements are still to be planned for, and locations identified within the available land allocations and consulted on at the Preferred Options stage.
- 7.9 The Preferred Options consultation (Central Lancashire Local Plan) is anticipated to take place during Summer 2021, with submission to the Planning Inspectorate

anticipated in early 2023, with adoption scheduled for December 2023 as approved in the Central Lancashire Local Development Scheme (January 2020 - January 2023) (CD 7.35).

Other Impacts

- 7.10 The appeal proposal would result, as previously, in additional adverse impacts in respect of heritage assets and the character and appearance of the area (CD10.01, paragraphs 51-57, Land at Pear Tree Lane, Euxton, Chorley, APP/D2320/W/17/3173275).
- 7.11 The appeal proposal would cause less than substantial harm to the setting of Houghton House by way of the development of previously undeveloped land formerly related to its agricultural use, and great weight attaches to it in accordance with NPPF paragraph 193.
- 7.12 The replacement of an open field with residential development would have an adverse impact on the character and appearance of the site and its immediate surrounds that would not be entirely mitigated.
- 7.13 The introduction of a new residential development would result in permanent, albeit localised, changes in the landscape. The character of the landscape of the site would be altered from a pastoral one to an urban one comprising residential development with open space.
- 7.14 In relation to Landscape and Visual impact the impact is considered to be minor to moderate adverse.
- 7.15 The application site is dominated by relatively species-poor improved agricultural grassland that is not of substantive ecological value, although there are habitats on the site and very close to the site that have local value for wildlife, including hedgerows, trees, woodland and wetlands (stream course) and therefore there is residual harm from the proposed development.
- 7.16 The development of the site would inevitably reduce the open-ness of the site and this could affect species movement; the large areas of grassland that would be lost to the scheme are not without any value for wildlife.

Benefits

- 7.13 It is important to consider the proposal in the round. In accordance with Section 38(6) the decision maker should consider if there are material considerations that indicate that the development should go ahead despite being contrary to policy.

Social

- 7.14 The appellant has identified several planning benefits of the proposed development. The provision of housing is of benefit, however, in the context of a Council which can demonstrate a five year supply of housing land and a proven track record of delivery, this attracts limited weight.
- 7.15 The provision of up to 126 market homes could contribute to the Local Planning Authority's stock of affordable housing. However only limited weight should be attached to such a benefit. Any residential development in Euxton which delivered through the Core Strategy and adopted Chorley Local Plan process would deliver 30% affordable housing. The appeal scheme is to deliver 54 affordable dwellings however, this is not in excess of what is required by Core Strategy Policy 7 (CD7.14, page 78) which sets out the approach to the delivery of affordable and special needs housing.
- 7.16 The Council considers, moreover, that sufficient land has been allocated for housing in Euxton in the Local Plan in accordance with Core Strategy Policies 1 and 4 (pages 50-51 and page 71) and has granted four permissions in Euxton on allocated sites. These include site HS1.40 planning permission granted for 51 affordable dwellings and site HS1.42 planning permission granted for 36 affordable dwellings. The identified housing need is currently being met through the existing housing allocations and windfall sites including policy requirements for affordable housing. Therefore, there is no need for this development to come forward for affordable housing to be provided.
- 7.17 The appellant suggests the provision of up to 54 affordable dwellings is a benefit. Appendix One: Table of Affordable Housing delivery 2019/20 illustrates the successful delivery of affordable homes in Chorley. Of these, 11 units are located in Euxton and a further 23 homes at Parcel H1b(ii), Group 1 which is at Buckshaw Village which is directly adjacent to the Euxton boundary and a very short distance away from the appeal site. Looking ahead, there are further units of affordable homes in Euxton to come forward including Dunrobin Drive, Greenside and Pear Tree Lane/Euxton Lane totalling 122 homes.

- 7.18 Therefore, there is ample supply for affordable homes and there is a risk that if affordable homes are brought forward too early in heavy concentration, that the supply will be too saturated at one time and demand will not come from the local communities. This is important because notwithstanding the Council's duties under Part 6 Housing Act 1996 as Amended by Homelessness Act 2002, in order to achieve sustainable communities, it is essential that a steady supply of affordable homes, spread across the borough, is achieved to offer opportunity to newly forming households with a desire to remain in their community. As at 1st April 2020, the total number of households on the Council's Housing Register was 655 and of those, 180 have selected Euxton as one of their areas of choice (not necessarily their only area as this is a Choice Based Lettings scheme where customers proactively select homes they wish to be considered for as opposed to being nominated or directly allocated).
- 7.19 124 of the 180 applicants have an established local connection to the wider Chorley borough (if an additional local lettings policy were to be used by the social landlords, the landlord would be responsible for establishing any additional local connection to that specific area of the borough as comprehensive details in regards to local connection are not stored under our Choice Based Lettings system). Out of the 124, 17 of the households currently reside in Euxton so would have a local connection based on residence. The 107 households who currently do not live in Euxton may still have a local connection through family, employment or previous residence but this information is not available and would be something that would be checked by the social landlords at the point of offer.
- 7.20 To develop the site now would be premature and place further pressure on future land supply. In order to inform future housing need including types and tenures, there is an emerging suite of evidence which will support a robust local plan for the next 15 -20 years. There is no need to deliver this site now rather, it should await the evaluation and outcome of the Central Lancashire Local Plan Review process. Accordingly, this is not a material consideration which justifies the early release of this site.
- 7.21 The appellant has advised the Council that there is a proposal to provide a number of self-build plots on the appeal site. The Chorley Custom and Self Build Register (March 2020) shows 9 individuals who want a self-build plot. Of these 9, 3 individuals have indicated a preference for a number of areas including Euxton. The Council commenced the register on 1 April 2016 and had one individual on the register at the base date of 20 October 2016. There are currently 2 sites with planning permission

for self-build plots in the Euxton area, totalling a maximum of 20 plots, with 14 plots so far as confirmed as self-build. The details of which are outlined below:

Erection of up to 12 detached self-build houses with double garages and associated infrastructure (Ref No 16/00633/OUTMAJ and subsequent reserved matters) at Gleadhill House Stud, Gleadhill House, Dawbers Lane, Euxton, Chorley. Ten of the 12 plots have been granted self-build exemption (the other 2 plots have paid CIL in full). Of the 12 plots, 10 are completed. 10 dwellings have been granted self-build exemption; the other 2 plots have paid CIL in full.

Erection of 8 self-build dwellings at Euxton Mill, Dawbers Lane, Euxton (Ref No 16/00633/OUTMAJ and subsequent reserved matters). Of the 8 plots, 4 have currently been given self-build exemption (this figure includes a plot which is 2 original plots combined). Of these 4 plots, 1 is under construction, 1 has no permission and the remaining plots have not started.

7.22 Therefore, it is considered that limited weight be afforded to this benefit.

7.23 The development proposal includes 2.25ha of formal and informal open space (over 30% of the gross site outline application area) including provision of a Local Equipped Area of Play. The proposals provide for new formal and informal open space, including provision of new recreation and play space. These features will be accessible to new residents and the wider community. The provision of green infrastructure, open space and recreation facilities will be of moderate benefit however the provision of green infrastructure and open space is a policy requirement (HS4A) rather than a benefit of the proposal.

7.24 Other suggested highways and public access benefits (listed below) are suitable provision to ensure highways and to mitigate the impact of the proposals and therefore should be afforded no material weight:

- provision of a continuous footway link on School Lane between the site access road and existing footway termination point to the west of the site
- Provision of a footway link between the new School Lane footway and the PROW that passes through the Rowland Homes site
- Introduction of a pedestrian improvement scheme on Pear Tree Lane between School Lane and Euxton Lane, including c. 125m of footway
- Introduction of traffic calming features on Pear Tree Lane and School Lane

- Introduction of street lighting on School Lane (along the northern site boundary) and Pear Tree Lane
- Extension of the 20mph speed limit along the full length of School Lane, the site access road and Pear Tree Lane (to the north of School Lane)
- Widening of Pear Tree Lane at the junction with Euxton Lane
- Introduction of a pedestrian island on Euxton Lane to assist pedestrian crossing movements

Environmental

- 7.25 Provision of on-site Sustainable Drainage System to provide a betterment in surface water runoff from the site carries moderate weight.
- 7.26 The proposals are likely to result in a net gain in biodiversity, this carries moderate weight.

Economic

- 7.27 The economic benefits of the proposal carry little weight in justifying development of safeguarded land because they are generic and arise equally (pro rata) from the development of land that is not safeguarded. So, the proposals are likely to result in increased spend in the local area, this carries moderate weight.
- 7.28 The proposals also have a number of temporary benefits associated with the construction phase such as employment opportunities, indirect spend and new homes bonus funding. Due to their temporary nature these attract limited weight.
- 7.29 The Council does not regard increased council tax receipts as a benefit of the development as this is essential to cover the increased demand for Council services that the development would generate.

Sustainable Development

- 7.30 The Council considers that does not constitute sustainable development in accordance with the NPPF (paragraph 8, page 5).
- 7.31 There are no evident economic benefits that this development would provide that would not be generated by the residential development of land that is not safeguarded. It is not allocated for housing in the development plan and therefore such growth has not been accounted for in plan-making including the developing the supporting evidence for future strategic infrastructure such as transport, education and training, open space and recreation, and, employment and skills.

7.32 This development is not currently planned for and as such, is contrary to limb (b) of NPPF paragraph 8, as the Council has demonstrated that delivery of the development plan objectives for housing are being met, with housing delivery consistently meeting development plan requirements. This track record of delivery demonstrates an effective plan-led approach which is informed by full and proper evidence gathering and, a process of engagement and test of soundness which led to the adoption of a local development plan. To deviate from such a plan-led system which is fully transparent to local communities, undermines both the Green Belt and that process, and can disrupt the cohesion of those local communities - placing unplanned pressures on infrastructure (including but not exclusive to primary schools and public transport).

8. Conclusions & The Planning Balance

- 8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which is at the heart of the NPPF. It also provides two alternatives to the decision-making process, both of which are worded positively.
- 8.2 Paragraph 11c) requires decision makers to “*[approve] development proposals that accord with an up-to-date development plan without delay*”.
- 8.3 Given the evidence of a five year housing land supply, and an up to date Development Plan, there is no requirement to do other than determine this application in accordance with the Development Plan as required by Section 38(6) of the PCPA 2004. There are no other material considerations that would indicate otherwise.
- 8.4 NPPF paragraph 11d) states “*where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
- Footnote 6 to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where an LPA cannot demonstrate a five year supply of deliverable housing sites.*
- 8.5 It is my view that given the position set out at above, footnote 7 of paragraph [11(d)(ii)] not engaged. Chorley Borough Council can demonstrate a five year housing land supply and the ‘tilted’ balance within NPPF [11(d)(ii)] does not apply. Even if the Council could not demonstrate a five year housing land supply, I consider that there are specific policies that would indicate development should be restricted. Policy BNE3 is plainly a restrictive policy and full weight should be attached to it regardless of the Council’s housing land supply position.
- 8.5 The proposal would result in the irreversible loss of a safeguarded green field site not

required to meet current housing needs now. This loss weighs heavily against the proposal and is contrary to the prudent use of land and resources in an area where much of the Borough is designated Green Belt. The NPPF is clear that safeguarded land is not for development at the present time (i.e. within the Plan period) and planning permission should only be granted following a Local Plan review. The conflict with the adopted Local Plan weighs heavily against the proposal in the planning balance.

- 8.6 It is accepted that there are some benefits which weigh in favour of the scheme. The provision of housing is of some benefit. However, Chorley has an adequate supply of housing land and as such does not require additional sites to be developed. The provision of affordable housing weighs heavily in favour of the proposal.
- 8.7 The development would provide construction jobs during the construction phase, though these would be temporary and as such I afford this only minimal weight. The scheme would attract New Homes Bonus, but there is no guarantee that this would benefit Euxton, I consider this also carries minimal weight. The provision of open space and green infrastructure is a policy requirement but will be accessible to all and result in biodiversity gains; I consider this carries some weight.
- 8.8 Given the benefits and disbenefits detailed above I am of the view that, even if the presumption in paragraph 11 did apply; the adverse impacts of this scheme would significantly and demonstrably outweigh the benefits when set against the policies in the Framework taken as a whole.
- 8.9 The Inspector is respectfully requested to dismiss the appeal.

Appendix One : Table of Affordable Housing Delivery 2019/20

Site Address	Settlement	Ward	Number of Affordable Dwellings Completed	Tenure	House Type
Parcel H1b(ii), Group 1	Buckshaw Village	Astley & Buckshaw	23	23 x social rent	15 x 2 bed house 8 x 3 bed house
Wigan Road (Lovells)	Clayton-le-Woods	Clayton-le-Woods West & Cuerden	15	15 x shared ownership	11 x 2 bed house 4 x 3 bed house
Wigan Road (Redrow)	Clayton-le-Woods	Clayton-le-Woods West & Cuerden	16	16 x social rent	4 x 2 bed flat 4 x 2 bed house 8 x 3 bed house
Coppull Enterprise Centre, Mill Lane	Coppull	Coppull	10	2 x social rent 8 x shared ownership	10 x 3 bed house
Euxton Lane/Pear Tree Lane	Euxton	Euxton North	11	1 x social rent 10 x shared ownership	7 x 2 bed house 4 x 3 bed house
Leatherlands Farm, Moss Lane (Wainhomes)	Whittle-le-Woods	Pennine	6	6 x social rent	6 x 1 bed flat
TOTAL			81		

