



CBC05S

**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

SUMMARY PROOF OF EVIDENCE

OF

ZOE WHITESIDE

1. Introduction

- 1.1 This Summary Proof of Evidence has been prepared by Zoe Whiteside, Service Lead - Spatial Planning, Chorley Council, 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 - (b) Whether or not the most important policies of the development plan for determining the appeal are out of date, having regard to the 5 year housing land supply position and relevant national policy.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. My full 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.

2. The Proposed Development

2.1 The application is an outline planning application for up to 180 dwellings of which 30% are proposed to be affordable.

2.2 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.

3.0 Summary Case for Chorley Council

- 3.1 The proposed development is in clear breach of policies in the adopted Local Plan, 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.
- 3.2 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 (paragraph 7.15). The appeal site is covered by this designation.
- 3.3 As the proposed development is contrary to the Development Plan, the Appellant are seeking to prove that the Council does not have a five year housing land supply in the hope that that relevant policies will be regarded as out of date.
- 3.4 The Council has a five-year land supply as covered by the Statement of Common Ground 2. 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%.
- 3.5 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 .
- 3.6 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 |

3.7 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.

4. Conclusions & The Planning Balance

- 4.1 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.
- 4.2 Paragraph 11c) requires decision makers to “*[approve] development proposals that accord with an up-to-date development plan without delay*”.
- 4.3 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.
- 4.4 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 proposed*6; 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.
- 4.5 It is my view that given the position set out at above, footnote 7 of paragraph [11(d)(ii)] is 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.

- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 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.
- 5.0 The Inspector is respectfully requested to dismiss the appeal.

