



Appeal Decision

Inquiry Held on 10th-12th October and 17th-18th October 2017

Site visit made on 18th October 2017

by A Jordan BA Hons MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2017

Appeal Ref: APP/D2320/W/17/3173275

Land at Pear Tree Lane, Euxton, Chorley, Lancashire, PR7 1DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Chorley Borough Council.
 - The application Ref 16/00489/OUTMAJ, dated 23 May 2016, was refused by notice dated 8 December 2016.
 - The development proposed is outline planning permission for up to 165 dwellings (30% affordable), planting and landscaping, informal open space, children's play area, surface water attenuation, 2 vehicular access points from School Lane and associated ancillary works. All matters to be reserved with the exception of the main site access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following refusal of the proposal the Council and the appellant reached agreement as to the amount of the education contribution necessary to mitigate the impacts of the proposal. This is now contained in a Unilateral Undertaking (UU) submitted at the Inquiry, which makes provision for an education contribution in relation to primary education calculated at £14,217.31 per place. The Council is therefore no longer defending reason for refusal 3, which relates to the need for an education contribution.
3. Prior to the opening of the Inquiry the Council also confirmed that it would no longer be defending Reason for Refusal 2, which related to highways matters. The UU makes provision for measures to mitigate the potential highways impacts of the proposal including a Speed Restriction Order, a travel plan contribution and a footpath contribution. The effect of the proposal on highway safety remains a concern for a number of local residents and was a matter on which Euxton Parish Council gave evidence at the Inquiry.
4. The UU also makes provision for 30% affordable housing, allotments, a contribution towards playing pitches, provision for amenity greenspace and play provision and the requirement for an employment and skills statement. I have taken the UU into account in assessing the proposal.

Main Issues

5. Accordingly, the main issues for the appeal are:
- Whether relevant development plan policies are up to date having regard to current 5 year housing land supply and relevant national planning policy;
 - Whether this, or any other factor would justify the development of safeguarded land at this time.
 - The effects of the proposal in relation to highway safety.

Reasons

6. 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.
7. The *National Planning Policy Framework* (the Framework) is a material consideration to which substantial weight should be attached. Paragraph 215 advises that due weight should be given to policies in existing plans according to their degree of consistency with the Framework. The development plan for the area is made up of the *Central Lancashire Joint Core Strategy* (JCS) which was adopted in July 2012, and the *Chorley Site Allocations and Development Management Policies Development Plan Document* (Local Plan) which was adopted in July 2015. Policy MP of the JCS and policy V1 of the Local Plan reflect the presumption in favour of sustainable development set out in paragraph 14 of the Framework. Policy BNE3 of the Local Plan designates parts of the Borough, including the appeal site, as safeguarded land, consistent with guidance in paragraph 85 of the Framework.

Five Year Housing Land Supply

8. The JCS sets out housing figures for the 3 authorities of Chorley, Preston and South Ribble which it is agreed form one Housing Market Area (HMA). These were based on figures in the now revoked Regional Spatial Strategy (RSS). Case law¹ has established that when establishing the housing requirement for a housing market area, a constrained or "policy-on" figure must not be used as a proxy for the Objectively Assessed Need (OAN). As the RSS was a constrained figure it cannot therefore form a firm basis for determining the housing requirement.
9. However, the Councils have undertaken a joint Strategic Housing Market Assessment (SHMA) and it is this that forms the basis for the Council's assessment of OAN and which was discussed at the Inquiry. It is the Council's view that as the housing requirement in the JCS aligns with the OAN in the SHMA, there is no undersupply of housing land in the Borough. A Memorandum of Understanding² (MoU), confirming the apportionment of the

¹ Hunston Properties Ltd Vs St Albans City and District Council 2013

² ID1

OAN between the local authorities in the HMA on the basis of housing requirements in the JCS is also provided. The appellant disputes the OAN in the SHMAA and the validity of the apportionment.

The Housing Supply

10. A number of sites within the 5 year supply are also disputed. The Council states it can provide 2512 dwellings. The appellant considers the figure to be lower, at 2160. The difference between the parties arises from the sites which are examined in detail below.
11. *Talbot Mill, Chorley*. This is projected to provide 120 houses within the next 5 years. The site has had planning permission since 2009 and has an extant consent with remediation work ongoing. I therefore do not consider that the site has stalled and taking into account the most recent correspondence there is a strong indication that the site will be brought forward by a developer in the near future. The Council project the site to provide 30 dwellings in 2018/19. Given that at the time of the appeal the contracts for the new developer had not been signed and alterations were likely to be made to the permission, this is unrealistic. I have therefore reduced its 5 year contribution to 90 dwellings and removed 30 houses from the supply.
12. *Buckshaw Village – Group 1*. This is projected to provide 306 dwellings over the next five years by Persimmon Homes. To achieve this number parts of the site would need to be delivered at a rate of 70 dpa. Whilst past completion rates at Buckshaw Village, including those by Persimmon and Charles Church, are generally lower than the 70dpa used in this case, I take account the developer achieved this rate of development in 2016/17 and based on the figures submitted to the Council, has clear intentions of continuing to do so. The figures adopted by the Council for Persimmon are considerably lower than the estimates put to them by the developer and in this regard I am satisfied that the Council have taken a precautionary approach. I therefore accept the Council's assessment of delivery on the site leaving the housing supply from this site at 306 dwellings.
13. *Coppull Enterprise Centre*. The site has planning permission for 75 dwellings subject to the completion of a S106 agreement in relation to access issues. Although I note that the site has a history of unimplemented consents, I have no compelling evidence that following the latest approval, this will continue to be an impediment to development and that the site could not come forward within the next 5 years. As such, having regard to the guidance in the PPG, I consider it reasonable that the site remains within the 5 year supply at 75 dwellings.
14. *Goodyear Business Park*. The site currently has outline consent for 56 units with a reserved matters application expected to be submitted imminently. The Council are currently in discussion with a developer as to the details of the proposed development. I am therefore satisfied that although the site has not progressed since the outline approval in 2014, progress on the reserved matters indicates that there is a firm basis for assuming that it will be delivered in the next five years. The contribution to the 5 year supply therefore remains at 56 dwellings.
15. The 5 year supply for available sites is therefore reduced by 30 dwellings to **2482**.

Objectively Assessed Housing Need

16. The Council have expressed the OAN as a range between 419 – 519 dpa. This uses the DCLG projections from 2014, published in July 2016. The appellant tests 3 scenarios using the mid-year estimates from 2015. However, I note that the parties opposing figures are similar after the 10 year migration adjustment is applied and the parties have agreed that the main variation in their assessments arises from the use of differing models to look at Economic Activity Rates (EARs) and the application of an adjustment in relation to Household Representation Rates (HRRs).
17. The figure at the bottom of the Council's range of 419 is reliant upon the 2014 based population projection of 511 being reduced based on a 15 year migration assumption. This is intended to remove any inflationary effect that may arise as a result of Buckshaw Village. I acknowledge that the PPG advises that one off events such as urban extensions in the last 5 years can be taken into account in determining whether population projections may have been affected by migration levels. However, I am not convinced that this is appropriate in this case. The development has been ongoing since 2004³ and in that time has delivered a significant proportion of the Borough's housing requirement. The allocation was planned growth, intended to deliver housing supply, spread over a sustained period. In this regard I have no convincing evidence that supply of housing at the historic rate has resulted in a distortion in migration trends that would merit an adjustment as proposed. I therefore see no justification for using a longer time period or a figure of 419.
18. Although the parties come to different assumptions on jobs growth, and use different ratios to take account for double jobbing, the assessments exhibit strong consistency by calculating need in relation to economic based housing need at 517 for the Council and 519 for the appellant. In this regard the parties agree the main area of divergence in their different assessments of OAN is derived from whether adjustments to take account of Economic Activity Rates (EAR) are based on Office of Budget Responsibility (OBR) or Experian models. OBR and Experian predict an increase in activity rates for older people and women, but Experian predicts a much greater increase. As a result, the Experian forecasts show only very small reductions in the labour force, which when applied to the Council's figures leads to an increase of just 2 dwellings. In contrast the OBR model leads to an increase of 27 dwellings pa.
19. The relative merits of both models were discussed at the Inquiry. The Experian model was criticised by Mr Baker⁴ for being overly optimistic about increased participation of women and older people in the workforce. For the Council Mr Ireland provided within his proof a paper which sets out the assumptions made by Experian⁵. Put briefly, these assume that increased service sector jobs and longer life-spans will enable people to work longer and that younger women will be more likely to be in paid work in the future and more likely to work for longer. However, I note within Mr Bakers rebuttal proof that the OBR model also takes account of these assumptions⁶, and the difference arises in part due to the use of a cohort approach.

³ ID10 – Buckshaw Village Completions

⁴ EIC Mr Baker

⁵ "Employment Activity and the Ageing Population" - Bobby Shojai May 2015

⁶ Appendix 1 OBR Fiscal Sustainability Report January 2017 P 129 to 157

20. At the Inquiry I was advised of other appeal decisions⁷ where one or other model has been preferred, which illustrates that there is no one universally accepted approach. Mr Ireland states that the assumptions in the Experian Model have been triangulated with other data sources including the OBR. However I find no convincing evidence that the OBR model under-estimates economic activity in this case. I take into account that it is updated annually and government endorsed. I cannot therefore conclude that the assumptions within it are unreliable, and I give more weight to Mr Baker's view that the Experian model over-estimates future economic activity.
21. Lastly, I take account of the appellant's calculations in relation to Household Representation Rates. These are intended to respond to potential suppression in household formation rates in the 25-34 age group, as a result of housing undersupply. I accept Mr Ireland's view⁸ that growth in the Black and Minority Ethnic (BME) population, rather than simply affordability factors, accounts for the change in household formation rates in younger households. I therefore find no justification for making an adjustment to take account of this.
22. Taking all of these factors into account I bear in mind that the SHMAA has yet to be tested as part of a local plan review and that in the context of a local plan review, the assumptions of the SHMAA across the HMA may be found to be sound. I also take account of the fact that the SHMAA is intended to assess the whole housing market area (HMA) in a way which the appellant's submission does not. However, based on the evidence put to me, I cannot be sure that the OAN for Chorley is not above 519, and find that a range of 519 – 546 to be more likely. As a precaution and for the purposes of this appeal I have therefore adopted a figure of **546** dpa for calculating the housing requirement.

Apportionment and the Memorandum of Understanding.

23. The MoU confirms that the 3 local authorities in the HMA have agreed to apportion the OAN across the districts on the basis of 519 dwellings annually in Chorley, 440 in South Ribble and 402 in Preston. This provides for the Council's assessment of the OAN based on economic growth for Chorley and South Ribble and the figure for demographic growth for Preston, which is higher. The sum of these is 1,361, which is 20 dwellings more than the requirements set out in the JCS. If a total based on economic growth, or alternatively demographic growth is used across all 3 authorities the totals fall below the housing requirement.
24. At the Inquiry much time was expended discussing whether it was acceptable to apportion the OAN in this manner. It was put to me⁹ that the existing distribution would result in an acceptance of a housing requirement below the full unconstrained housing needs in the relevant area¹⁰. Whilst I recognise that case law¹¹ indicates that the RSS based figures cannot be relied upon, if the figures in the JCS nevertheless meet the OAN for the HMA as a whole, and there is a reasonable basis for assuming they can be delivered, I see no reason in principle why the distribution set out in this more recent, formally adopted planning framework cannot continue to be used.

⁷ APP/F4410/W/16/3158500, APP/V0728/W/15/3018546, APP/W1525/W/15/3049361, APP/W0340/W/16/3146156, APP/G2435/W/16/3150237,

⁸ Nick Ireland Rebuttal Proof

⁹ XX Mr Ireland

¹⁰ Oadby and Wigston Borough Council Vs SoS and Bloor Homes 2016

¹¹ Hunston Properties Ltd Vs St Albans City and District Council 2013

25. In coming to this view I take into account guidance in the Framework core principles, that planning decisions should be genuinely plan led and also the spirit of the advice on cross boundary planning set out in paragraphs 178-181 of the Framework. I also take account of Planning Policy Guidance¹² which advises that the examination of Local Plans, informed by consideration of, amongst other things, the OAN, is intended to ensure that up-to-date housing requirements meet a 5 year supply. In this regard it recognises that a development plan will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position.
26. Bearing these principles in mind there are good reasons to consider the JCS distribution to be acceptable in this case. It is adopted policy which has already been found to be sound and compliant with the principles of the Framework¹³. Mr Baker's evidence includes an assessment of housing needs in Central Lancashire which finds a total housing need of 1462dpa, a figure above that in the JCS. However the evidence focusses primarily on the OAN for Chorley and has been prepared in the context of this appeal. During cross-examination Mr Baker conceded that the work was not intended to provide a detailed analysis across the whole HMA. This reduces my confidence in the figure put to me for the whole HMA and I was presented with no substantive evidence that the OAN across the HMA cannot be met by the overall requirement in the plan.
27. Furthermore, the 3 local authorities share a Core Strategy. They have a proven track record of joint working across the HMA and a set of adopted plans with which to deliver the agreed apportionment. I consider this to be a secure basis for concluding that the apportionment agreed can deliver part of the OAN for Chorley.
28. Nevertheless, the MoU before me assumes an OAN of 519¹⁴ for Chorley and on that basis apportions 102 dwellings required in Chorley to elsewhere in the HMA. It cannot be relied upon to deliver any more than the apportionment of 102¹⁵ dwellings, even if the OAN for the HMA as a whole could provide for it. Therefore, whilst the apportionment is acceptable in principle, I can allow for only 102 dwellings arising from need in Chorley being provided elsewhere in the HMA.

The Housing Requirement

29. I take as a starting point the Council's position in relation to the housing requirement. The Council contend they can demonstrate 7.97 years of housing land¹⁶. However, this is based on the assumption that the assessment period starts in 2010. If the OAN is to be based on the SHMA, then the base date of 2014 needs to be adopted, otherwise historic under or oversupply is double counted.

¹² PPG Paragraph: 033 Reference ID: 3-033-20150327

¹³ CD8.6 para 4,5 and 104

¹⁴ ID1 para 5.7

¹⁵ 519 - 417 = 102. Calculated as the difference between the JCS housing requirement for Chorley 417 and Council's assessment of the OAN 519

¹⁶ ID4

30. The parties have adopted different plan periods, and there was no agreement at the Inquiry as to the appropriate plan period. I note that the PPG does not prescribe a plan period. The JCS is intended to run until 2026. As this is the adopted plan, I see no good reason for extending the end date beyond the end of the plan period and the evidence before me does not indicate that the Councils have any intention of doing so. I have therefore assessed the requirement in relation to the start date of the SHMAA until the end of the plan period – 2014-2026. Nevertheless, I have also, as a comparison, reviewed the appellant’s preferred scenario of 2015 to 2035. I have applied a 5% buffer in both cases¹⁷.
31. The calculations below are intended to enable me to reach a view as to the robustness of housing supply in the context of this appeal. Whilst I am conscious that a precise figure is unwarranted, I have nonetheless found it necessary to use specific figures in order to test the competing assessments of the parties. These are presented in the table below:

The Housing Requirement		
	Based on plan period to 2014 -2026	Appellant “worst case scenario” based on period to 2015 - 2035
Annual requirement	546 -102 apportionment = 444	546 -102 apportionment = 444
Total Requirement	5328 (444*12)	8880 (444*20)
Completions ¹⁸	1837	1114
Residual Requirement	3491	7766
Annual Requirement net of 5% buffer	388 (3491/9)	457 (7766/17)
5 year total	1940 (388 x 5)	2285 (457 x 5)
total with buffer at 5%	2037	2399
Housing requirement in dpa	407 (2037/5)	480 (2399/5)
Housing Supply	2482	2482
Available supply in years	6.1 years	5.17 years

¹⁷ Agreed in the Statement of Common Ground ID4

¹⁸ ID18

Conclusions on Housing Land Supply.

32. Drawing together my findings above, I have found that:

- The 5 year supply for available sites is 2482¹⁹.
- It is acceptable for the Council to rely on an apportionment of 102 dwellings pa from elsewhere in the HMA.
- The 5 year housing requirement is 2037 dwellings, leading to a supply of 6.1 years.
- Even if the appellant's assumptions on the plan period were adopted for the purposes of calculating the housing requirement, this would result in 5.17 years' supply of housing land²⁰.

33. I therefore conclude, on the basis of the apportionment in the JCS (as reflected in the MoU) that the Council can demonstrate a supply of housing land in excess of 5 years and relevant development plan policies for the supply of housing can therefore be considered up to date.

Safeguarded Land

34. Paragraph 85 of the Framework advises Local Authorities to identify areas of Safeguarded Land between the urban area and the Green Belt, in order to meet longer term development needs beyond the plan period. The Framework and policy BNE3 are explicit that the allocation and protection of safeguarded sites is intended to facilitate the long term protection of the Green Belt and their strategic release is therefore most appropriately considered as part of a local plan review. Releasing the site for development now would lead to the loss of open countryside contrary to policy BNE3 of the Chorley Local Plan and Paragraph 85 of the Framework. This is common ground between the parties²¹.

35. 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.

36. Policy BNE3 lists a number of safeguarded sites in the Borough. Safeguarded land differs from many of the restrictive policies in the Framework in that the land is specifically set aside for potential future development needs. It was brought to my attention at the Inquiry²² that the site scored highly in the Council's assessment of sites for the Local Plan, and as outlined below, the physical impacts of development could largely be mitigated. The Council have

¹⁹ 2512 - 30 = 2482

²⁰ 2399/5 = 480

²¹ Statement of Common Ground

²² CD8.16 and CD8.17

argued that development of safeguarded land is not inevitable and that the site may never be allocated as a development site in a future local plan. However, I cannot conclude in the context of this S78 appeal whether this might be the case. Other sites may be more or less appropriate for development, and the site's continued protection would be dependent upon the full range of strategic considerations at that time, as part of a local plan review.

37. 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.
38. 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.
39. In this regard, a number of residents have queried why the land is being considered for development when it is clearly set aside from development in the Local Plan. Whilst I am mindful that other material circumstances could in some cases outweigh such a restriction in the plan, I am nonetheless reminded that, in this case, the plan has been adopted following an assessment of the most appropriate options for development on a Borough wide basis. As I concur with the views of the appellant²³ that the harm that would arise from "loss of faith in the planning system" is impossible to quantify, I have not attempted to do so. 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 in the planning balance.

Highway Safety

40. Prior to the Inquiry the concerns raised by the Council were resolved and so the Council is no longer defending the second reason for refusal. Nevertheless, the effects of increased traffic on the local road network were a concern of Euxton Parish Council who presented evidence in relation to this at the Inquiry. The evidence given by the Parish Council reflected the view of many local residents, that likely increases in local traffic on the local road network would have a detrimental effect which would not be mitigated by the measures proposed. I deal with the relevant stretches of road in turn below.

²³ Closing submissions on behalf of the appellant

41. As a starting point, concern was expressed about the veracity of the survey data used and the assumptions made within the Transport Assessment, including the period over which surveys were undertaken. Lancashire Highways Officers are however satisfied with the models used and consider the transport assessment to be an acceptable basis for modelling future traffic flows. Therefore taking into account Mr Allen's²⁴ evidence, and the absence of any comprehensive and systematic assessment to the contrary, I have no reason to assume that the evidence in support of the transport proposals²⁵ cannot be relied on.
42. Firstly, in relation to the effects of the proposal on School Lane. This road runs past the frontage of the site and eventually links to the A49 Wigan Road after passing under a railway bridge not far from the road junction. It also turns sharply to the north of the site. The junction sits close to a cluster of local schools and services including a local community centre with a 45 space car park. Residents expressed concerns that the anticipated increase in traffic on School Lane would have a detrimental effect, taking into account the use of the junction at peak times and existing parking pressure.
43. As part of the development it is proposed to reduce the speed limit to 20mph along School Lane and the highways authority are also consulting on the introduction of double yellow lines at the railway bridge. Improvements are also proposed to the traffic light operation at the Wigan Road junction. Traffic patterns at the junction were discussed at the Inquiry, in particular the circulation of cars on the opposite side of the junction. However, whilst I accept that movements through the car park would potentially result in increased stopping time on Wigan Road, I concur with the view of the appellant and the highways authority that the "MOVA" system has sufficient sensitivity to account for and accommodate these, and will provide sufficient mitigation for increased traffic flows.
44. In relation to pedestrian safety, I noted during the site visit that parts of the footway were absent along School Lane. As part of the development it is proposed to introduce a footway along the frontage of the site. The frontage between 40 and 46 School Lane also provides sufficient space to alter the priority of the junction at the access onto School Lane, providing a continuous footpath from the development to link up with the existing footpath. I therefore concur with the advice given by the County Highways Officer, that the proposal would not, subject to the provision of such measures, be harmful to pedestrian safety in this location.
45. The potential effects on Pear Tree Lane to the north of the site, which currently has no footpath, are also relevant. A field drain to the western side prohibits the introduction of a footpath on one side of the road and although a footpath is proposed to be introduced in parts to the eastern side, existing residential accesses prohibit a continuous footpath on this side. Measures to ensure a pedestrian link from the appeal site, through the adjoining development to the north on Euxton Lane, form part of the proposed development. The attractiveness of the 2 routes for trips by foot from the site was discussed at the Inquiry.
46. Taking into account the relative distances involved, and the pedestrian environment for both routes, I am satisfied that the route via the HCA site

²⁴ Comments of Mr Allen given in response to Inspector questions during the Inquiry.

²⁵ Appellants submitted Transport Statement and proofs of evidence from Mr Jackson

would be a viable choice for residents of the new development travelling towards Buckshaw Village. Furthermore, whilst the absence of a footpath for the whole of the short stretch of Pear Tree Lane north of the development would deter some pedestrians, the information before me indicates that traffic flows would be relatively low, and subject to a 20mph limit. Design measures to implement a shared surface arrangement could also be secured as part of traffic calming measures. I therefore consider that having regard to the likely traffic generation from the development, the measures proposed, and the availability of an alternative route for pedestrians, the proposal would not impact upon highway safety along this section of the road network.

47. The potential effects on Pear Tree Lane south of the site which provides indirect access to the south towards Chorley also need to be considered. The traffic assessment does not include figures for traffic using this route, which is single track in parts, and is subject to sharp turns and steep dips. I noted during my own visits to the site that it is used by dog walkers, runners and cyclists but was not heavily used by cars.
48. The Parish Council are concerned that although the route is not currently attractive as a vehicular alternative to the first 2 routes from the site, it will become more so in the future after the proposed development is implemented. I accept that it would be irrational to assume that no additional vehicles would use the route in future. However, it is not the most direct route from the site and the potential to meet another car and so be required to reverse some distance, would deter most users from preferring it as a route. Taking into account the availability of other more direct alternatives I therefore concur with the appellant and County Council that additional vehicular movements from the development would be unlikely to be material.
49. In coming to a view I take account of the Parish Council's comments that a more holistic approach which took account of the appeal site and adjoining land may provide a more satisfactory approach in transport terms. However, based on the evidence before me I am satisfied that the measures proposed would be acceptable in relation to the development before me. Furthermore as I have no evidence that adjoining land will be brought forward, or the form that such development might take, I can give no weight to the view that the current scheme would preclude future development of this land, or have an ultimately detrimental effect on the operation of the wider highways network.
50. I therefore conclude that the proposed development would make suitable provision to ensure highway safety. I find no conflict with policies ST1 and BNE1 of the Chorley Local Plan which seek to ensure that new development includes appropriate facilities for pedestrians and that the residual cumulative impacts of development are not severe. The proposal would also be in accordance with guidance in the Framework which has similar aims.

Other Matters

Heritage Assets

51. During the Inquiry the matter of the effect of the proposal on the Grade II Listed Houghton House were discussed. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building and amongst other things, its setting. The Framework also advises that the significance of a heritage asset can be harmed as a result of development within its setting. The application was

accompanied by a heritage appraisal²⁶ which considered the potential effects of the proposal on the historic built environment.

52. Houghton House is an attractive example of a farmhouse from its period, built at a time when the increased size of land-holdings allowed for more substantial farm properties. It comprises the main farmhouse, an attractive symmetrical stone building, and associated barns, which have now been converted and are in separate ownership. The building will originally have had a strong functional relationship with the appeal site, as it will have at one time formed the landholding associated with the farmhouse. However, with the dissociation of the plot, and the erosion of the wider agricultural setting with residential development, this has diminished. Nonetheless, the site forms part of the wider pastoral setting to the building which contributes to its historic significance and its attractiveness.
53. Whilst screen planting would go some way to reducing intervisibility between the site and the asset, the reduction in the remaining pastoral setting of the building would have a harmful effect on the setting of the asset. This would be evident in views from Pear Tree Lane and School Lane where the building is viewed in the context of its original agricultural context. As this forms part of how the asset is appreciated, the proposal would fail to preserve its setting by diminishing a key aspect of how it is enjoyed and would harm its significance.
54. The Framework is clear that in considering the impact of development on the significance of heritage assets great weight should be given to the asset's conservation. The proposal would have only a limited effect on one aspect of the building's setting. This would amount to "less than substantial harm", and would be towards the lesser end of the spectrum. Paragraph 134 of the Framework requires that less than substantial harm to a heritage asset is weighed against the public benefits of the scheme which I shall carry out within my overall conclusions.
55. The application was accompanied by a desk-based archaeological assessment which has identified that the eastern side of the site is considered to have the potential for archaeological remains, as it falls within the potential route for a Roman Road from Wigan to Preston. I note that the County Archaeologist²⁷ is satisfied that the archaeological interests of the site could be protected by the imposition of planning conditions requiring a programme of archaeological work. I am therefore satisfied that archaeological interests need not be prejudiced by development in this case.

Visual Impact

56. Residents have expressed concerns in relation to the visual impact of the proposal and its potential effect on their living conditions and outlook. The application is in outline form with all matters reserved. It is supported by indicative plans showing the potential for landscape mitigation across the site, and a landscape and visual impact assessment²⁸ which assessed both the wider landscape and likely localised effects of the proposal. Having regard to the size of the site and the local topography I share the appellant's view that the development would be unlikely to give rise to harm to the wider landscape. The development would nonetheless be visible to road users, users of the PROW to

²⁶ CD 1.19

²⁷ CD 3.3

²⁸ CD 1.5

the south of the site and those residents who adjoin the site boundary. In those views the loss of an open field, with some mature planting, and its replacement with residential development would have an adverse impact on the character and appearance of the site and immediate surroundings which would not be entirely mitigated by integrated landscaping.

57. Whilst I acknowledge that the Council did not consider this impact to be sufficient in its own right to merit refusal, and I have no reason to consider that any diminution in outlook would constitute a reduction in living conditions, I nonetheless take into account the views of local residents²⁹ who value the site as part of the wider rural setting to the village and part of their day to day environment. I therefore attribute some limited weight to the harm that would arise to the character and appearance of the site as a result of the development.

Ecological Impact

58. The proposed development would result in the loss of a number of trees and grassland. Surface water features on site also have the potential to provide a habitat for amphibians. Local residents have also expressed concern regarding the loss of a site as a wildlife habitat. The application was supported by an Ecology Assessment which was reviewed by the County Ecologist, Lancashire Wildlife Group and the local bat group. The County Ecologist in particular has expressed concern that the submitted surveys provide insufficient information to determine the impact of the proposals on newt habitats and has recommended that an Amphibian Mitigation Strategy should be required by condition. In relation to bats the consultees have expressed concern that the scope of mitigation measures, and the mechanisms for securing their on-going implementation, may be insufficient to ensure that the effects on wildlife habitats are appropriately mitigated.
59. In coming to a view I note that the Council are satisfied that appropriate conditions could ensure suitable mitigation. I note that the County Ecologist states that no known newt breeding ponds will be lost as part of the development and local newt populations are low. I therefore concur that a condition would be acceptable in this case. In relation to the effect of the proposal on bats and other species, I note that the appellant and County Ecologist concur that suitable bat habitat could be retained as part of the development and that the Council are satisfied that this could be secured by planning conditions. Nevertheless, based on the information before me I have no compelling evidence that even with appropriate conditions, the measures proposed would do any more than mitigate the effects of development. I therefore give no weight to the view that the proposal would represent a significant improvement of wildlife habitats in the area and the matter does not alter the planning balance.

Economic Benefits

60. The construction of new houses would provide employment during the construction period and would provide a financial contribution through the New Homes Bonus. These benefits would be relatively short term. Some local economic benefit would accrue through an increase in custom for local businesses which would bring some indirect benefits to the wider economy. Having regard to the scale of the development I attribute limited weight in favour of the proposal. CIL contributions, future Council Tax and financial

²⁹ CD 5.1

contributions as part of the UU would mitigate the effects of the proposal and the demands of future occupiers on local services and are a neutral factor in the planning balance.

Effect on Local Services

61. Many of those who commented on the proposal expressed concern that development pressure in recent years has led to a decline in the availability of a range of local services. Although initially a reason for refusal, the Council is now satisfied that the proposal includes an adequate contribution to primary education. Furthermore I have not been advised that the local health trust formally expressed concerns regarding the effects of the proposal. Therefore, although I note the concerns of residents in relation to the effects of the proposal on the capacity of local services, I find no compelling evidence that the scale of development proposed in this case would lead to harm in this regard and I give the matter no weight in the planning balance.

Flooding and Drainage

62. As part of residents' submissions I was provided with evidence of localised flooding in the area. This has also been the source of some concern for the Local MP, the Rt Hon Lindsey Hoyle. Residents believe this could be exacerbated by the proposed development. United Utilities were consulted as part of the proposal and are satisfied that provided the proposal is carried out in accordance with the principles set out in the submitted Flood Risk Assessment, including the use of Sustainable Urban Drainage measures on site, the proposal would not discharge above existing green field rates. In this regard it would not exacerbate any existing drainage problems in the area. The Council are satisfied that these measures can be secured by condition. Therefore, whilst I have some sympathy for residents affected by flooding in the locality, I have no evidence before me that suggests that the development proposed would add to it. Accordingly, I give the matter no weight in the planning balance.

Conclusion

63. The parties agree that Safeguarded Land can be considered a "footnote 9" policy for the purposes of decision making. I concur that it is a specific policy in the Framework which indicates that development should be restricted, and so the proposed development of Safeguarded Land in this case would not be subject to the tilted balance in paragraph 14 of the Framework, even had I concluded that relevant policies for the supply of housing could not be considered up-to-date by reason of a deficiency in the five year land supply. As it is, I have attributed very substantial weight to the harm that would arise as a result of the loss of the site as Safeguarded Land within the plan period, for all the reasons outlined above. I also attribute some further limited weight to the harm arising from the visual effects of development through the loss of an open greenfield site.
64. The proposal would provide 165 houses, 30% of which would be affordable. Although I have concluded that the Borough can demonstrate a 5 year supply of housing land, I nonetheless take into account the strong emphasis in the Framework and other national policy and guidance to boost the supply of housing, and the findings of the Council's SHMAA and the appellant's assessment of OAN which both indicate a need for affordable housing in the borough. I also take account of the fact that the 5 year figure is a minimum requirement. I therefore attribute significant weight in the planning balance to

- the contribution the proposal would make to housing supply, including increasing local choice in the housing market.
65. Taking into account the extent of harm that would occur to heritage assets in this case, and the nature and amount of housing proposed, the contribution to housing supply would comprise a significant public benefit which would be sufficient to outweigh the less than substantial harm identified to heritage assets in this case. The effect of the proposal on heritage assets does not therefore weigh against the proposal in the planning balance.
66. For the reasons outlined above, any effects of the local highways network would be adequately mitigated by the measures agreed with the County Highway Officer. The proposal would not have a harmful effect on the capacity of local services. Furthermore, any potential effects on local wildlife and drainage could be mitigated through the use of an appropriate planning condition. These matters are therefore neutral factors in the planning balance.
67. The proposal would bring some economic benefits to the local economy through increased economic activity and demand for services by new residents and would also bring work during construction. I therefore attribute some, albeit limited, weight to the economic benefits of the proposal in the planning balance.
68. When considered in the round, the balance of considerations places the benefits from the provision of housing, and the limited economic and ecological benefits, against the loss of a safeguarded site and the visual harm arising from the development.
69. I have found that the JCS, and the apportionment within it, is currently delivering the full objectively assessed need for housing in the HMA and that Chorley can demonstrate a five year land supply in this context. The proposal would conflict with policy BNE3 of the Local Plan for Chorley Borough which seeks to safeguard land in accordance with the intentions of the Framework. Whilst the Framework nationally seeks to increase the amount and range of housing available, it is nevertheless explicit that it does not change the development plan as the starting point for decision making.
70. In this case, bearing in mind the adequacy of housing supply locally, the intention of the Framework to increase and diversify housing provision does not outweigh the important strategic aim of protecting the Green Belt through the identification and protection from development of safeguarded land and the core principle of controlling the scale and location of development through the planned system. I therefore conclude that the benefits of the proposal would not outweigh the harm identified and so would not accord with the presumption in favour of sustainable development set out in policy MP1 of the JCS, V1 of the Local Plan and within the Framework.
71. Accordingly, having taken all other matters raised into account, I conclude that the proposal would not comprise sustainable development as defined in the Framework and the development plan and the appeal must be dismissed.

Anne Jordan

INSPECTOR

APPEARANCES**For the LOCAL PLANNING AUTHORITY**

Simon Pickles of Counsel Instructed by Chorley Borough Council

He called:

Melissa Kurihara Urban Vision for Chorley Borough Council

Nick Ireland GL Hearn for Chorley Borough Council

David Allen Lancashire County Council

For the APPELLANT

Giles Cannock of Counsel Instructed by Gladman Developments Ltd

He called:

Tom Baker GVA Ltd

John Coxon Emery Planning

Tim Booth Gladman Developments Ltd

Ben Jackson Ashley Helme Associates Ltd

For the RULE 6 PARTY: Euxton Parish Council

Councillor Mervyn Thornhill Euxton Parish Council

Sue Shannon Local Resident

Robert Bryce Local Resident

INTERESTED PERSONS

Cllr Aidy Riggott Lancashire County Council

Cllr Neil Hall Euxton Parish Council

Cllr Danny Gee Chorley Borough Council

Cllr Paul Walmsley Chorley Borough Council

Eleanor McCleary Chorley Borough Council

Alison Marland Chorley Borough Council

Adele Hayes Chorley Borough Council

Zoe Whiteside Chorley Borough Council

Stefanie Leach Chorley Borough Council

Chris Smith Chorley Borough Council

Simon Forster	Chorley Borough Council
Katherine Howarth	Chorley Borough Council
Asim Khan	Chorley Borough Council
Gary Hall	Chorley Borough Council
J Turton	Gladman Developments Ltd
J Ambrois	Gladman Developments Ltd
A Day	Gladman Developments Ltd
Anne Caughey	Local Resident
John Caughey	Local Resident
Helen Tune	Local Resident
Katrina Reid	Local Resident
Colin and Val Kendall	Local Residents
Rita Ellison	Local Resident
Marian Walker	Local Resident
David Walker	Local Resident
Mr and Mrs Shannon	Local Residents
Michael Blaney	Local Resident
Geoff and Marjory Pinkett	Local Residents
Mr and Mrs Tunstall	Local Residents
David Walker	Local Resident
Steve and Katherine Beet	Local Residents
Nick Proctor	Local Resident
Trevor Proctor	Local Resident
Elaine Proctor	Local Resident
M McNally	Local Resident
David and Susan Owen	Local Residents
Michael Bennett	Local Resident
Antony K Reed	Local Resident
Kath Atkinson	Local Resident
G M Thornhill	Local Resident
Geraldine Thornhill	Local Resident
Marilyn Bamber	Local Resident

D and J Buckley	Local Residents
Geoffrey and Marjory	Local Residents
Daniel Strode	PWA Planning
Louise Leyland	PWA Planning
Shehnaz Deasai	UCLAN
Homalrah Sheth	UCLAN

PLANS AND DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land – September 2017
- ID2 Agreed Summary of Unilateral Undertaking relating to appeal site
- ID3 Signed Unilateral Undertaking Land at Pear Tree Lane, Euxton, Lancashire
- ID4 Statement of Common Ground: Housing Land Supply
- ID5 Statement of Common Ground on the Housing Requirement
- ID6 Land Off Pear Tree Lane, Nick Ireland- Evidence in Chief – Route MAP
- ID7 Land off Pear Tree Lane, note on differing assumptions on the OAN- Nick Ireland
- ID8 Opening Statement on Behalf of Chorley Borough Council
- ID9 Opening Statement on Behalf of the Appellant
- ID10 Buckshaw Village Completion Figures
- ID11 Draft Conditions - Superseded
- ID12 Central Lancashire- Strategic Housing Market Assessment Sept 2017
- ID13 Reserved Matters Application 17/00441/REMAJ – Group 1 Euxton Lane
- ID14 Reserved Matters Application 17/00767/REMAJ – Parcel H1B Group Euxton Lane
- ID15 Letter from Miller Homes – Land at Coppull Enterprise Centre, Mill Lane, Coppull
- ID16 Planning Policy Guidance 2: Green Belts
- ID17 Extract from Planning Practice Guidance Paragraph:014 Reference ID:21b-014020140306 - prematurity
- ID18 Figures relating to 5 Year Housing Land Supply – various scenarios
- ID19 Note relating to the housing moratorium
- ID20 Distribution of HMA OAN in Tom Baker’s Evidence
- ID21 Illustration of Household Projections Relative to the Moratorium
- ID22 Correction to Rebuttal T Baker Appendix 1 Participation Rates by Age Group
- ID23 Extract from the Business Register and Employment Survey
- ID24 Total Number of Units with Planning Permission 2001-2011
- ID25 Chorley Council Committee Report – Digital Strategy 2017-2020
- ID26 List of Agreed Conditions

- ID27 Proof of Mrs S Shannon
- ID28 Traffic Flows at School Lane/Wigan Road Junction – Submission by Mr Thornhill – Diagram A and Photographs of Wigan Road
- ID29 Traffic Flows at School Lane/Wigan Road Junction – Submission by Mr Thornhill – Diagram B
- ID30 Amended List of Agreed Conditions
- ID31 Euxton Parish Council – Closing Statement
- ID32 Closing Submission on Behalf of Chorley Council
- ID33 Closing Submission on Behalf of the Appellant