



CBC07R

**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

REBUTTAL PROOF

OF

ZOE WHITESIDE

1.0 Introduction

- 1.1 I respond below to selected points of difference or disagreement with the evidence of Messrs Moger, Stacey and Lee on behalf of the appellants. For the avoidance of doubt, the scope of this rebuttal proof does not imply that I agree with the remainder of their evidence.
- 1.2 I would like to point out a contradiction in my proof and the Council's SoC and confirm the correct position. The discrepancy is between paragraph 6.1 of the SoC and paragraph 8.5 of my evidence (CD 05S) . The latter is incorrect which states "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".
- 1.3 This paragraph was included due to a drafting error and therefore is to be disregarded. It is the Council's view that the policy BNE3 is up-to-date subject only to the Council's ability to demonstrate a 5 year housing land supply.

2.0 Mr Moger

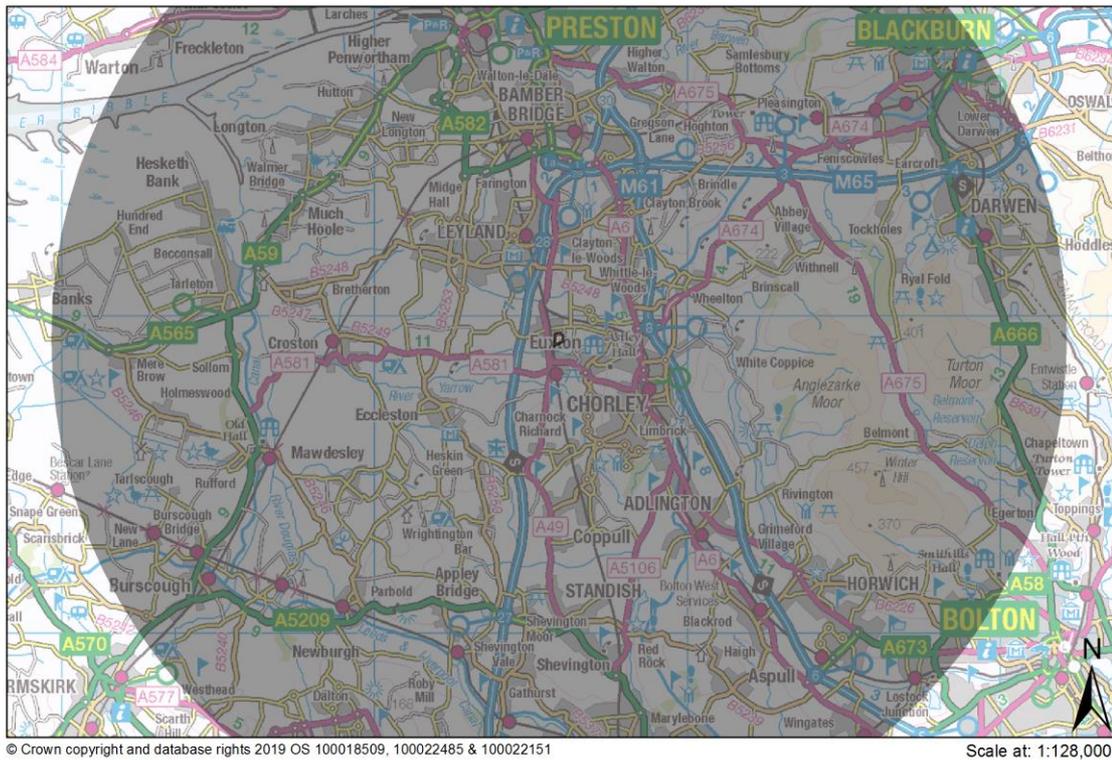
(A) Local policy concerning Self-Build and Custom

- 2.1 The Development Plan (the Core Strategy and the Local Plan) both predate the introduction of the Self-Build and Custom Housebuilding section of PPG (first introduced on 1st April 2016: (Mr Moger paragraph 2.16). That is why they are not specifically referred to.
- 2.2 The absence of specific reference to this specific type of housing provision from the Issues and Options Consultation (CD7.30) is not indicative of any disinterest or lack of engagement by the Central Lancashire Councils in this type of provision. Indeed, it did not ask specific questions about a variety of matters as this was intended as an initial consultation to collect 'high level' broad themes and feedback as a starting point for the new Local Plan. It was not a proposed draft plan or collection of policies. Detailed consideration of specific housing types, tenures etc will form part of the emerging development plan as it evolves.

(B) Demand for Self-Build and Custom

- 2.3 Mr Moger concludes that the evidence suggests that demand for Self-Build is greater than the number of those people registered on the Council's Self-Build Register, currently 9 as of March 2020 (CD GDL03PA) paragraph 4.20). Whilst I accept that the Housing Study suggests that "The numbers of expressions of interest on a local authority's self-build Register may underestimate demand" (Paragraph 9.33 CD8.11; underlining added), the data available from secondary sources does not provide a robust assessment of actual demand for Self-Build in Chorley.
- 2.4 Mr Moger section 4.25 refers to data secured from Plot-Search (Appendix AM10) which suggests that within a 10 mile radius of the appeal site there are 481 registrants who are wishing to create their own home and 1,874 Plot-Search subscribers indicating a wish to live in the location by either building or commissioning a home.
- 2.5 Mr Moger states (CD GDL03PA footnote 23) that 10 miles is the "Smallest site search radius that the Buildstore data allows for". The map below illustrates that a ten mile radius from the point of the appeal site covers Preston, reaches Blackburn, and approaches Bolton. Clearly this is not an accurate, robust assessment of the unmet demand for Self-Build in the Borough of Chorley or Euxton and could distort the actual demand for other areas. Mr Moger suggests that the secondary data suggests there is "A substantial level of demand within the Borough" (Paragraph 4.26) yet fails to clearly demonstrate what this actually is. There is no conclusive, robust data to demonstrate what the actual unmet demand is and, in the absence of any satisfactory alternative, the most reliable source is the Council's Self Build Register.

Map of 10 Mile Radius from Location of Appeal Site



- 2.6 I agree, on the other hand, that the numbers on the Self Build Register are likely to be influenced by knowledge of its existence. However, I would also suggest that the number of those registered are likely to be more a reflection of interest/ aspiration for Self-Build rather than realistic demand. This is because in order to progress projects, people need the financial means to do so (including the capital finance required and the ability to borrow/ obtain mortgages) as well as the relevant skills/expertise (including in terms of costing, construction knowledge, project management skills etc).
- 2.7 I do not agree that substantial weight should be afforded the provision of up to 18 Self Build and Custom Build homes at this site. The Council's Register and the provision of plots already either delivered or issued with planning permission, with 14 confirmed as Self Build to date and all located within Euxton. This suggests that demand or need for Self-Build here is currently being addressed.

3.0 Mr Stacey

3.1 The parties disagree on the weight to be afforded to the provision of affordable housing as part of the development. The Council considers that limited weight should be attached to the provision of 54 affordable dwellings as part of this development. The appellant however considers that substantial weight should be afforded to the delivery of affordable housing on the site. The Council argues that as the Inspector found in the Chain House Lane appeal that these are “Generic benefits and no more than would be expected from any major housing development and as such they attract limited positive weight” (paragraph 95 CD10.29). The Inspector went on to add “The benefits do not address the fundamental issue of the sites’ location within safeguarded land and the harm”.

A) Housing Delivery in Chorley

3.2 Mr Stacey states that there is a national housing crisis in the UK and a significant boost in the delivery of housing, particularly affordable housing is essential (Paragraph 3.1). The Council accepts that there is a national housing crisis across the country however, Chorley Council has an excellent track record of housing delivery and has consistently outperformed against the housing target set in the Core Strategy as can be seen in the table below.

Chorley housing delivery performance since 2010

	Plan period (1st April-31st March)	Core Strategy Target	Net completions	Surplus/ Shortfall	Cumulative completions	Exceedance percentage
	2010/11	579 ¹	527	-52	527	-9%
	2011/12	417	552	+135	1,079	32%
	2012/13	417	638	+221	1,717	53%
	2013/14	417	582	+165	2,299	40%
	2014/15	417	723	+306	3,022	73%
	2015/16	417	597	+180	3,619	43%
	2016/17	417	517	+100	4,136	24%
	2017/18	417	661	+ 244	4,797	59%
	2018/19	417	573	+156	5,370	37%
	2019/20	417	640	+223	6,010	53%
B	Total	4,332	6,010	1,678	-	39%

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Affordable Housing Delivery against Evidence Base

- 3.3 Mr Stacey (section 7, page 43) compares affordable housing delivery in Chorley against the requirements set out in the SHMA (2009 CD8.09), the SHMA (2017 CD7.25) and the Housing Study (2020 CD8.11) and argues that there has been significant under-delivery. The Council dispute this for a number of reasons. Firstly, it is considered that the SHMA published in 2009 is no longer relevant given that it was published 11 years ago and the figures in it are based on a view at that point in time. Two further assessments have been published since which provide a more up to date assessment of needs.
- 3.4 The SHMA (2017 CD7.25) covers the period 2014-2034 and identified an annual net need of 146 affordable homes. This was superseded by the Housing Study (2020 CD8.11) which covers the period 2018-2036 and identifies a net need for 132 affordable homes per annum. As shown in the table below, when compared against the more up to date assessments the number of affordable dwellings completed over the period covered by these assessments is 93% of the identified need.

Chorley Affordable Housing Delivery 2014-2020Year	Number of Affordable Dwellings Completed	Identified Need
2014/15	165	146
2015/16	85	146
2016/17	87	146
2017/18	172	146
2018/19	202	132
2019/20	81	132
TOTAL	792	848

C) Affordable Housing Delivery against Core Strategy Requirement and Corporate Target

- 3.5 The Central Lancashire Core Strategy (CD7.14) sets a target of 50 affordable dwellings per annum in Chorley. Affordable housing delivery in Chorley over the period 2010-20 has been almost three times the total Core Strategy requirement for the period as shown in the table below.
- 3.6 The Council also has a corporate target for affordable housing delivery which is currently 100 dwellings per annum as the Council acknowledges the importance of affordable housing delivery in the borough to meet the needs of residents (CD8.07). Delivery has also significantly exceeded this target over the plan period as shown in the table below.

- 3.7 Overall affordable housing delivery has accounted for 24% of all housing completions since the start of the plan period.

Affordable Housing Delivery Compared to Core Strategy and Corporate Target

Year	Number of Affordable Dwellings Completed	Core Strategy Target	Corporate Target	Total Number of Dwellings Completed	% of Affordable Completions
2010/11	173	50	50	527	33%
2011/12	170	50	50	552	31%
2012/13	183	50	100	638	29%
2013/14	129	50	100	582	22%
2014/15	165	50	100	723	23%
2015/16	85	50	100	597	14%
2016/17	87	50	100	517	17%
2017/18	172	50	100	661	26%
2018/19	202	50	100	573	35%
2019/20	81	50	100	640	13%
TOTAL	1,447	500	800	6,010	24%

D) Affordable Housing Delivery across Central Lancashire

- 3.8 The Core Strategy (CD7.14) sets out the following affordable housing targets for Central Lancashire:

Chorley	= 50 (39.7%)
Preston	= 46 (36.5%)
South Ribble	= 30 (23.8%)
Total	= 126

- 3.9 The target for Chorley equates to almost 40% of the total annual target for Central Lancashire. The table below sets out affordable housing delivery for all three Central Lancashire authorities for the period 2012-19. It should be noted that data for Preston and South Ribble for the periods 2010/11, 2011/12 and 2019/20 was not available. Affordable housing delivery has been greater in Chorley than in Preston and South Ribble, accounting for 42% of the total delivery across Central Lancashire and is more than double the delivery in South Ribble which has the same adopted Core Strategy housing target as Chorley.

Central Lancashire Affordable Housing Completions 2012-2019

Year	Number of Affordable Dwellings Completed			Total Completions	% of Chorley Completions
	Chorley	Preston	South Ribble		
2012/13	183	66	40	289	63%
2013/14	129	35	48	212	61%
2014/15	165	114	97	376	44%
2015/16	85	178	150	413	21%
2016/17	87	137	25	249	35%
2017/18	172	197	40	409	42%
2018/19	202	213	97	512	39%
TOTAL	1,023	940	497	2,460	42%

E) Housing Register Data

- 3.10 Mr Stacey (paragraph 8.3) states that affordable housing delivery has failed to keep pace with identified need on the Housing Register for the period 2010-2020. The Council considers that there are a relatively low number of people on the Housing Register and the number has fallen each year.

F) Affordable Housing Need in Euxton

- 3.11 Mr. Stacey (section 9) claims that there is a great and pressing need for affordable homes in Euxton to meet needs as the Local Plan allocations will not provide for all people remaining in need of an affordable home in Euxton. He refers to an FOI that the appellant submitted, the response dated 01/04/20 identified that 180 households on the Housing Register selected Euxton as their preferred location, 124 of which have a local connection with the borough of Chorley. Of this 124, 17 currently live in Euxton.
- 3.12 The Council advised that it is not known if the remaining 107 households with a local connection to the borough of Chorley have a local connection to Euxton, this would be checked by social landlords at the point of offer. It therefore cannot be assumed that they all do.
- 3.13 The Council considers that sufficient land has been allocated for housing in Euxton in the Local Plan in accordance with Core Strategy Policies 1 and 4 and has granted four permissions in Euxton on allocated sites. There are 91 affordable dwellings with planning permission left to be built in Euxton as follows:
- HS1.40: Dunrobin Drive – 51 affordable dwellings
 - HS1.41: Euxton Lane – 4 affordable dwellings left to be built, 31 recently completed

- HS1.42: Greenside - 36 affordable dwellings

3.14 In addition, there are 12 affordable dwellings left to be built in Buckshaw Village which is in close proximity to Euxton and there is already a significant supply of affordable housing stock in both Euxton and Buckshaw Village.

3.15 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.

4.0 Mr Lee

A) Is the Development Plan up to Date?

4.1 Mr Lee states “Numerous housing sites ...have come forward for development ...and indeed are earmarked for development as part of the emerging Central Lancashire Local Plan’ (CD GDL08PA paragraph 4.4.3). Plan-making is at a very early stage and therefore no sites can be said to have been ‘earmarked’ for Development which suggests a more permanent assignment than to be ‘option’ or ‘suggestions’.

4.2 All sites being considered are to be subject to robust assessment and consultation as well as an examination and therefore cannot be afforded weight at this stage. NPPF Paragraph 48 (CD12.01) states “Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)”.

4.3 Mr Lee considers that Core Strategy Policy 1 should be considered to be out-of-date in accordance with paragraph 213 of the Framework, stating that “The application of standard method would result in a markedly different spatial approach to development across the housing market area than outlined in Policy 1” (CD GDL08PA paragraph 5.2.13). I would suggest that as opposed to being different, that as the Inspector for the Chain House Lane Appeal found, the “Re-distribution which is suggested within the documents is not ‘radical’” (paragraph 88 Appeal Decision APP/F2360/W/19/3234070 CD10.29). The Inspector’s comments are in relation to the redistribution set out in MOU2 compared to the housing requirements

in Core Strategy Policy 4. The table below shows a comparison of the distributional percentage split as set out in the Core Strategy, MOU 2017, Standard Method and MOU2 (2020).

Comparison of Distributional % Splits of Housing Provision in Central Lancashire

	Source Document	Chorley	Preston	South Ribble
A	Core Strategy Policy 4 (2012)	31.1%	37.8%	31.1%
B	Memorandum of Understanding (2017)	31.1%	37.8%	31.1%
C	The Standard Method (2020)	56.0%	25.0%	19.0%
D	Memorandum of Understanding (2020)	27.5%	40.0%	32.5%

- 4.4 The Inspector at the Chain House Lane Appeal went on to find in that appeal that the re-distribution recommended in the Housing Study is “Based on a reasonable set of criteria ... the distribution not significantly different from the current CS distribution”, concluding that the “Distributional consequences do not weigh heavily in giving me reason to conclude that the policy is out-of-date” (paragraph 88 CD10.29).
- 4.5 In regard to Local Plan Policy BNE3 Mr Lee states that the Council in the SOC “Confirm that if the Council is found not to be able to demonstrate a supply, this policy would be out-of-date” (CD GDL08PA paragraph 5.3.9).
- 4.6 The Council contends that this policy is not out-of-date, and that the Council has a five year housing land supply. An error was made in my Proof of Evidence regarding this, the Council’s case is properly set out in paragraph 6.1 of the SOC. As the Inspector concluded in the Chain House Lane Appeal (Appeal Decision APP/F2360/W/19/3234070 CD10.29), Policy G3 (which can be said to be a policy relating to Safeguarding Land equivalent to BNE3), “Is not out of date as a result of the distributional consequences that would arise if all three LAs apply the standard method (Chain House Lane Appeal Decision, paragraph 87 CD10.29)”. The Inspector continues “G3 prevails as the most important, indeed it is the only policy specified in the reasons for refusal. Taken as a whole, there is conflict with the development plan. The Inspector goes on to state “The most important development plan policy is not out-of-date” (paragraph 89 CD10.29).
- 4.7 Mr Lee suggests that the spatial strategy outlined in the CLCS which is informed by the CLP is out-of-date as it does not reflect the updated housing need evidence and therefore restrictions on development outside the settlement boundaries should be afforded less weight (Paragraph 5.3.10). The Council do not agree for reasons outlined in paragraph 6.18 of the SoC. XX.

B) Most Important Policies

- 4.8 Mr Lee (CD GDL08PA page 29) addresses a series of points regarding the most important policies for determination of this appeal.
- 4.9 The Council agrees that Core Strategy Policies 4 and 7 have been superseded by the Standard Method and are not relevant to this planning application. However, the Council considers that Core Strategy Policy 1 (CD7.14) continues to be an up to date strategy in terms of the distribution of development across the three local authorities.
- 4.10 In regard to Local Plan policies, Policy BNE3 is directly applicable to this planning appeal and is the most important policy for determining the planning application. Policies HS1 and BNE2 have no relevance to this planning application.
- 4.11 The Council therefore only accepts that Policy BNE3 is the most important policy in assessing this planning application. The only arguable addition is Core Strategy Policy 1 arising from the challenge being made to the redistribution of the Standard Method.

C) Other Material Considerations

- 4.12 Mr Lee suggests that the Issues and Options document which was prepared during what is a very early stage of plan-making, is “afforded limited weight “ with the “proposed allocation of the site is a material consideration which carries weight in favour of the appeal proposals” (CD GDL08PA paragraph 6.3.6). The Council do not accept that the early process of identifying possible development sites ahead of a comprehensive plan-making process which includes robust site testing as well as a number of opportunities for consultation and public examination, can be considered to lend weight to a proposal which is in direct conflict with both Policy BNE3 and the NPPF.
- 4.13 It is suggested by Mr Lee that the ‘collaborative approach’ taken with Homes England who own the adjacent parcel of Green Belt land, will ensure “that the entire safeguarded land parcel can be delivered in a cohesive and comprehensive manner” (paragraph 6.4.1). I would contest this, and without prejudice to suggestion that either site will be allocated for development (and as such allocated for the use of housing), the piecemeal ‘nibbling’ of sites not currently allocated for development is not conducive to full and proper master planning of sites and does not enable a place-making approach to be taken.

4.14 As the Inspector noted in the Chain House Lane Appeal with regards to that site, the development of the appeal site “in isolation would result in harm” (paragraph 71 CD10.29). The Inspector goes on to consider the “comprehensive development of the land” and suggests the development would be “Contrary to section 12 of the Framework in achieving well-designed places. It also fails to represent the effective community engagement, and to take the opportunities available for improving the character and quality of an area and the way it functions” (paragraph 72 CD10.29).

5.0 Conclusion

5.1 I conclude that the appeal proposal is in conflict with the Development Plan, specifically Policy BNE3 and the Framework and as the Council is able to demonstrate a five year housing land supply, the policy is not out of date and therefore paragraph 11 of the Framework is not engaged. The Local Plan period runs until 2026 and therefore the policies within the plan remain extant. For these reasons I would respectfully request that the appeal be dismissed.