

**IN THE MATTER OF**

**LAND AT PEAR TREE LANE,  
EUXTON,  
CHORLEY**

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**OPENING STATEMENT  
ON BEHALF OF  
THE APPELLANT**

**GLADMAN DEVELOPMENTS  
LIMITED**

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**No5**  
BARRISTERS  
CHAMBERS

## Introduction

1. This is an appeal by Gladman Developments Limited against the refusal of Chorley Borough Council of planning permission for “*The erection of up to 180 dwellings including 30% affordable housing, with public open space, structural planting and landscaping, surface water flood mitigation and attenuation and vehicular access points from School Lane. All matters reserved except for means of vehicular access*” for Land at Pear Tree Lane, Euxton.
2. The Site has been removed from the Green Belt and is designated as ‘Safeguarded Land’ in the development plan. The Council’s single Reason for Refusal is based upon that designation.
3. The detailed Statements of Common Ground record the substantial agreement between the Appellant and the Council on many other issues.
4. The Site is agreed to be located in a sustainable location, adjacent to the settlement boundary of Euxton, which is an Urban Local Service Centre in the current Core Strategy. That location would enable future residents to access a good range of facilities, utilising a variety of sustainable transport modes.<sup>1</sup>
5. It is further agreed that there are no technical or environmental reasons for refusal in respect of landscape, heritage, ecology, highways or local infrastructure.<sup>2</sup>
6. The Site has even been identified for future allocation for housing within the Issues and Options Draft of the Central Lancashire Draft Plan.
7. As the Appellant will set out:
  - the development plan is out of date;
  - the Council is wrong that there is a national policy presumption against development of safeguarded land;
  - the Council’s single reason for refusal is premised on mistaken interpretations of NPPF paragraphs 11d, 73 (footnote 37) and 139; and
  - the Council does not have a 5 years housing land supply.

## The Development Plan

8. Section 38(6) of the Planning and Compulsory Purchase Act (2004) establishes that planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
9. The applicable Development Plan comprises of:
  - The Central Lancashire Core Strategy 2012 (2010-26) (“the Core Strategy”)
  - The Chorley Borough Local Plan 2015 (2012-26) (“the Local Plan”)
10. The Appellant considers that the scheme accords with the development plan’s spatial strategy, given its location adjacent to Euxton as an Urban Local Service Centre. It is in accordance with the development plan as a whole (*Cornwall Council v Corbett* [2020] EWC Civ 508 [CD11.05]).

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<sup>1</sup> Planning Statement of Common Ground, [2.2.3]

<sup>2</sup> Landscape, Heritage, Ecology and Highways SoCGs

11. The only policy conflict identified by the Council is in respect of Policy BNE.3 (BNE3.9) of the Local Plan. The Council agrees that there is no conflict with the Core Strategy<sup>3</sup> nor with any other policy of the Local Plan.<sup>4</sup>
12. Both the Core Strategy and Local Plan are out-of-date, being based on a very out-of-date housing requirement which pre-dates the NPPF. Indeed it is based on household projections from 17 years ago (2003). Neither DPD has been updated in accordance with the statutory requirement under section 10A of the Town and Country (Local Planning) (England) Regulations 2012.<sup>5</sup>
13. Moreover, the adopted policies are simply not working to address current local housing needs – as evidenced by the numerous non-allocated sites which have either been granted permission or are earmarked for development in the emerging Central Lancashire Local Plan. Less weight must be given to existing boundaries and designations as a result.

### Presumption in Favour of Sustainable Development

14. The NPPF 11d presumption is a central material consideration in this appeal.
15. The Appellant has approached the presumption in accordance with the case law: *Wavendon Properties Ltd v SSHCLG* [2019] EWHC 1524 (Admin), [55] and [58] and *Monkhill Ltd v SSHCLG* [2019] EWHC 1993 (Admin), [39] and [45].
16. When the development plan is out of date as here, the presumption requires the application of the tilted balance. The Supreme Court made clear in *Suffolk Coastal/Richborough Estates* [2017] UKSC 37 that this means: “*The decision-maker should therefore be disposed to grant the application unless the presumption can be displaced.*” (Lord Gill, paragraph 85).
17. This is a case in which the presumption is engaged and directs towards a grant of permission, for four reasons.
18. First, NPPF 11d is triggered because the most important policies for determining the appeal are out-of-date. The Appellant’s Planning Proof of Evidence [5.4.2] pages 28-30 carefully tabulates what it considers to be the “*most important*” policies and which ones are out of date by virtue of their inconsistency with the NPPF. The most important policies for determining the appeal are out of date when considered as a whole, applying the approach in *Wavendon*, [55].
19. Second, the Council are not able to demonstrate a five year supply of housing land (“5YHLS”), for the purposes of NPPF 11d and 73. For the reasons set out in detail under Main Issues 1 and 2 below, the Council are mistaken both as to the correct housing requirement and the total housing land supply. The correct figure is **2.5 years**, a serious shortfall below 5 years.
20. Third, there is no basis for identifying that the “*application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*” (as now agreed in the Planning SoCG, paragraph 4.21.1). The Council’s Planning Witness’ initial suggestion in her Proof of Evidence at [8.5] that BNE3.9 is a “*specific policy*” was based on a significant

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<sup>3</sup> Planning SoCG, [3.2.2]

<sup>4</sup> Planning SoCG, [3.3.2]

<sup>5</sup> Reg 10A(1): *A local planning authority must review a local development document within the following time periods—*

*(a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);*

misinterpretation of NPPF footnote 6. This footnote applies only to the closed list of NPPF policies (not development plan policies), and this list does not include NPPF 139. The Council's acceptance also extends to any alleged heritage harm. The first limb of NPPF 11d(i) therefore does not apply: see *Monkhill*, [39] and [45].

21. Fourth and finally, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Indeed, the position is the reverse – the benefits of granting permission are overwhelming in this case.
22. Even if the tilted balance did not apply, planning permission should be granted here under the conventional statutory test of Section 38(6) PCPA 2004 because the material considerations clearly outweigh any potential conflict with the development plan in this case. The benefits in this case plainly outweigh the adverse impacts.

#### **Previous Appeal Decision**

23. The Council have made various references to the previous Appeal Decision (Appeal Reference APP/D2320/W/17/3173275), determined in 30 November 2017 significantly prior to publication of the first Revised NPPF in July 2018.
24. Applying *North Wiltshire DC v Secretary of State for the Environment* (1993) 65 P. & C.R. 137 per Mann LJ at 146, as followed in subsequent cases, that decision is materially distinguishable in respect of the critical questions of the Site's status as safeguarded land. There has been a significant change in national policy and the consequent impact upon housing land supply.
25. The only residual value of the decision is in confirming that the scale of the harm arising in respect of other matters is limited, notably in respect of DL65 and the confirmation that the less than substantial heritage harm would be outweighed by the public benefit of the provision of housing.

#### **The National Economic Crisis – Planning for the Recovery**

26. It would be remiss not to mention the obvious shadow cast by present national circumstances. The UK is currently experiencing potentially the biggest economic contraction in history.
27. The Government has clearly set out in the Secretary of State's Written Ministerial Statement (13 May 2020) that the development industry will have a key role in aiding the country's recovery, stating "*the planning system has a vital role to play in enabling the delivery of housing and economic growth that will support the UK's economic recovery*".
28. Substantial weight should therefore be attached to this government objective, which makes the wider government objective to solve the national housing crisis by significantly boosting the supply of housing to 300,000 dwellings per year even more important.
29. Planning appeal decisions such as this present a major opportunity to plan for the recovery.
30. Against the above backdrop, we summarise the Appellant's position with respect to the main issues identified by Inspector Hayden in his Case Management Note.

**MAIN ISSUES**

**1) The current housing requirement for Chorley Borough, having regard to the provisions of the development plan and national policy;**

31. Both parties are agreed that the current housing requirement cannot be defined by the development plan under Policy 4 of the Central Lancashire Core Strategy. The housing requirement must therefore be defined on the basis of a correct interpretation of the NPPF and PPG.
32. The Appellant considers that the only correct annual housing requirement figure is **569 dpa**. That figure accords with the NPPF and the PPG (as interpreted in relevant case law) and the best available evidence assembled by Mr Donagh in his Proof of Evidence and Appendices.
33. The Council's contrary suggestion that the figure should fall as low as **278 dpa** fails to have regard to the NPPF, PPG and relevant case law. The evidence base supporting the figure is respectfully deficient, and has not been tested at examination.
34. In opening, the Appellant sets out the core NPPF and PPG references which support its case. Further detailed errors in the Council's methodology and overall approach shall be addressed in the evidence of Mr Donagh and in closing submissions.
35. The fundamental starting point is the Council's own admission alongside Preston and South Ribble Council in the Memorandum of Understanding and Statement of Cooperation (dated April 2020) that (a) Policy 4 of the Central Lancashire Core Strategy is out of date and (b) that the Government's standard method should be used to calculate housing need in Preston, South Ribble and Chorley **[CD7.23 paragraph 2.4]**.
36. The standard method calculation of minimum local housing need is of critical importance to this case, for the following reasons.
37. NPPF 60 makes clear that in order to achieve the Government's objective of significantly boosting the supply of homes, a sufficient amount and variety of land should come forward where it is needed.
38. NPPF 61 further explains that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
39. Turning then to the PPG, PPG ID2a-001 explains that housing need is an unconstrained assessment of the number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. It should be undertaken separately from assessing land availability, establishing a housing requirement figure and preparing policies to address this such as site allocations.
40. PPG ID2a-002 confirms that the National Planning Policy Framework expects strategic policy-making authorities to follow the standard method in this guidance for assessing local housing need. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The standard method identifies a minimum annual housing need figure. It does not produce a housing requirement figure.

41. The mechanics of the standard method are explained at paragraph ID2a-004 of the guidance. The published local household projection is the starting point, increased above that point if the published local median workplace-based affordability ratio is above 4.
42. The scale of the uplift is to be determined by the standard method formula. The reason for the uplift is explained at PPG ID2a-006. Unerringly focussed on boosting supply, the uplift is all-encompassing and addresses all the other local factors (other than the local household projection) that have a bearing on minimum local housing need:
43. An affordability adjustment is applied, because household growth on its own is insufficient as an indicator of future housing need given that:
  - (1) household formation is constrained to the supply of available properties – new households cannot form if there is nowhere for them to live; and
  - (2) people may want to live in an area in which they do not reside currently, for example to be near to work, but be unable to find appropriate accommodation that they can afford.
44. The affordability adjustment is applied in order to ensure that the standard method for assessing local housing need responds to price signals and is consistent with the policy objective of significantly boosting the supply of homes. The specific adjustment in this guidance is set at a level to ensure that minimum annual housing need starts to address the affordability of homes.
45. There are circumstances where housing need can be assessed using an alternative method, but they do not apply here. Preston, South Ribble and Chorley Council accept that local housing need is calculated using the standard method and that in Chorley minimum annual local housing need is for 569 dwellings per annum **[CD7.34 paragraph 2.1 to 2.3 and Table 1]**.
46. In accepting the standard method assessment of minimum local housing need, the Councils must also accept that there are no other factors that have a bearing on minimum local housing need.
47. The 'alternative approaches to the distribution of housing need' proposed by the Central Lancashire Housing Study have no bearing on minimum local housing need **[CD7.05 section 4]**. If they did, they would be enshrined in NPPF and the accompanying guidance on assessing local housing need. They are not. They are the start of plan making and the separate exercise (separate to assessing need) of arriving at housing requirements for each district [see the earlier reference to PPG ID2a-001]. The alternative distribution results are untested and currently they hold no weight for the purpose of decision taking. A signed MOU does not elevate their status in any way.
48. The Councils must also accept that the unit of local housing need assessment is the local planning authority. That is a significant change from earlier national planning policy (i.e. NPPF 2012) and guidance. The housing market area has no bearing whatsoever on the assessment of local housing need. Housing market areas are only relevant to the duty to cooperate with neighbouring authorities and strategic matters such as addressing unmet housing need. Chorley Council is not claiming that it cannot meet its standard method minimum housing need. Nor are Preston or South Ribble Council. Nor, to the best of the Appellant's knowledge, have Preston, South Ribble or Chorley been asked to accommodate need from other neighbours. In any event, like the housing requirement these are plan-making matters, to be resolved through the plan making process and endorsed or otherwise by a Planning Inspector once the plan has been examined. We are more than three years away from that point.
49. PPG ID2a-013 does not circumvent the plan-making process. To do so would be perverse and serve only to thwart national planning policy. Where strategic policies are being produced jointly, the housing need for the defined area should at least be the sum of the local housing need for each local planning

authority within the area. But it is not the housing need that is distributed, it will be for the relevant strategic policy-making authority to distribute the total housing requirement which is then arrived at across the plan area. We are not at this second stage, the plan making stage, yet. We will not even see Preferred Options until Summer 2021. The Publication Draft will then reveal draft policies in Autumn 2022 and adoption at the end of 2023, if the latest timetable (January 2020) does not slip.

50. It is therefore contrary to the terms of the NPPF and the PPG to agree today that Chorley should supply less than half (49%) of the minimum number of homes that it needs. The consequences for Chorley have not been considered (such as the problems that undersupply will cause there). Interactions with neighbouring authorities to Central Lancashire and the consequences for those authorities have not been considered. A narrow focus on a nascent policy, yet to be revealed, that seeks to direct housing growth to Preston (and its immediate environs) and away from where housing need arises has guided the distribution proposed in the MOU. It has not been justified and there has been no test of effectiveness; as such it holds no weight here.

**2) Whether the Council can demonstrate a five year supply of deliverable housing land against the housing requirement**

51. If the above issue is determined in the Appellant's favour, then mathematically it is agreed that the Council cannot demonstrate a five year supply of housing land, thus engaging NPPF 11d and footnote 7.
52. The Council's preferred 5 year requirement figure with buffer is **1,460 dwellings**. Its supply figure stands at **1,617 dwellings**. Thus on its best case, it is able to demonstrate just **5.5 years** worth of supply.
53. Using the correct approach set out above, the total 5 year housing requirement, with the application of the agreed 5% buffer is **2,990**.
54. The Appellant has further objected to the inclusion of Cowling Farm, Chorley (HS1.5) comprising 112 units on the basis that there is no clear evidence that housing completions will begin on site within five years. The necessary deduction to take account of this places the supply at **1,505 dwellings**.
55. On these NPPF-compliant figures, the Council can demonstrate no more than **2.5 years** worth of supply. Put another way, there are 1485 households whose needs are not being met in Chorley.
56. 2.5 years is a huge deficit. However it is the natural consequence of an authority failing to bring forward an up-to-date plan in a timely fashion and failing to grant enough permissions in the interim.
57. The scale of this shortfall increases the weight to be afforded to the benefit of new housing, and reduces the weight that can be accorded to any restrictive policies such as BNE.3 still further.

**3) 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**

58. For the reasons set out above, NPPF 11d is engaged, by the operation of footnote 7.
59. Even were the Inspector to identify that the Council are able to demonstrate a 5 year supply of housing land, then this would not be determinative of the NPPF 11d issue.

60. As Mr Lee has set out in his Proof of Evidence, [5.4.2] pages 28-30, the following policies fall within the category of “most important” policies and are individually and collectively out of date:
- (1) Core Strategy, Policy 1 (Locating Growth), Policy 4 (Housing Delivery), Policy 7 (Affordable Housing);
  - (2) Local Plan, Policy HS.1 (Housing Site Allocations), Policy BNE.2 (Development in the Area of Other Open Countryside) and Policy BNE.3 (Area of Land Safeguarded for Future Development Needs).
61. The Council disagrees. It seeks to limit the category of “most important policies” only to Policy BNE.3 and argues that this policy is up-to-date by reference to the terms of NPPF 139. The Council’s approach, even if it were correct, completely fails to take account of the extent to which the settlement boundaries which support Policy BNE.3 are based on an outdated housing requirement. To be clear, there is no basis for concluding that Policy BNE.3 is in any way up-to-date.

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

62. Before addressing the overall planning balance, these Opening Submissions will address the following additional material considerations:
- NPPF 139
  - Affordable Housing
  - Self-Build Housing
  - Landscape
  - Ecology
  - Heritage
  - Highways
63. A comprehensive analysis of these issues identifies that the benefits of granting permission are overwhelming – whilst the harms are extremely limited indeed.

**NPPF 139**

64. NPPF provides that planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. This should not be interpreted strictly as it would impose a threshold higher than Green Belt land itself, where safeguarded land has been specifically identified as not fulfilling the functions of the GB.
65. Instead, applying a plan-led approach, it is logical that safeguarded land should be the land which is turned to first for development in the absence of an up-to-date plan and a proven local housing need which is not being met through the plan.
66. This land has been identified for future development, so the public cannot suggest that the land should be protected in perpetuity. They are fully aware of its potential for future development, whereas the same cannot be said for an ordinary green field.
67. Given their failure to identify any environmental or technical harm, the Council have made much of a purported “harm” that would arise by releasing the Appeal Site at the present time.
68. The Council has made a number of references to the judgment in *Gladman Development Ltd v SSHCLG & Corby BC; & Uttlesford DC (2020) EWHC 518 (Admin)* (in which permission has recently granted by the Court of Appeal). That case is not authority for the proposition that any free-standing

harm can arise from granting permission on safeguarded land – especially in circumstances where an authority has such a severe deficiency in respect of its housing land supply.

### **Affordable Housing**

69. This application is not made in a vacuum. It is made against the context of a very well-established national housing crisis. Windfall sites like this are needed to address the housing crisis in this country and support the instruction to significantly boost the supply of housing in this country. Given the current pandemic there is a great need to continue granting planning permissions and a great need to build more homes, of all types. This is of utmost importance; not only from a social aspect but also an economic one.
70. The housing crisis is everywhere. It affects young people and young families who do not own their own home. The main group of people who object to proposals like this are homeowners, many of retirement age, whose own homes were built on greenfield land, often at the edge of settlements.
71. The Appeal Scheme will deliver a very significant quantum of much needed affordable housing on site: 30% affordable housing, up to **54 dwellings on site**. This is in accordance with Policy 7 of the Central Lancashire Core Strategy and will be secured via the submitted planning obligation.
72. The mix of affordable housing is for 70% social rented (38 homes) and 30% intermediate (16 homes). This is agreed and in accordance with the Council's requirements.
73. A great deal of negativity has been purported by the Council to a mere policy compliant offer. However, as set out in the appellants affordable housing evidence, "the fact that the much needed affordable housing and custom-build housing are elements that are no more than that required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight" (Inspector Fagan [CD10.05])
74. The benefits of affordable housing must be substantial given (a) the shortfall in delivery, (b) rising house prices and worsening affordability ratios along with (c) over 655 households on the housing register and (d) the collapse in future delivery of affordable housing, which will not meet the identified need, even in the most recent Housing study, which has reduced the annual requirement.
75. The Appellant's analysis (uncontested in any Rebuttal) shows that the likely supply in the next 5 years is at best **63 affordable homes a year**: 57 a year from allocated sites with planning permission, allocated sites without planning permission and windfalls and 6 a year from homes delivered from off-site contributions.
76. This is a 50% drop from the below-par annual average of 132 affordable homes achieved over the last 7 years and alarmingly just 50% of the annual needs going forward, identified in the untested 2020 Housing study (132 homes per annum).
77. The recipients of new affordable homes are real people, in real need now. In the words of Inspector Young [CD10.04], "*it is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses*".
78. The Council is clearly letting these people down. Due to these circumstances the Appellant contends that nothing less than **substantial weight** should be afforded to the affordable housing benefits of this proposal.

**Self-Build Housing**

79. The Government have made it increasingly clear since the National Housing Strategy in 2011 that it strongly supports self-build and custom housebuilding and is targeting a significant increase in the delivery of this particular housing product.
80. This has become ever more apparent through the introduction of its own specific section of the PPG and also within the revised NPPF (2019), as well as its inclusion within the National Design Guide of October 2019 which identified self-build and custom housebuilding as an element of the 10 characteristics that make up the Governments priorities for well-designed spaces.
81. The former Minister of State for Housing, Esther McVey, set out the government's commitment to deliver the houses this country needs in her speech to the RESI Convention on 12 September 2019 and specifically referenced the Governments support for the Right to Build in stating that: "*Right to Build, so many places around the world have far more people building their own homes, so we're going to be there [too]*"<sup>6</sup>
82. Chorley Borough Council has no adopted policy relating to the provision of Self-Build or Custom-Build and their position appears to be that their Development Plan, consisting of the Central Lancashire Core Strategy adopted in 2012 and the Chorley Local Plan adopted in 2015, were adopted prior to the point at which the Self-Build and Custom Housebuilding section of the PPG was first included at 1 April 2016 and that this is why they do not deal with the issue.
83. This ignores the fact that the original NPPF published in 2012 **[CD12.03]** made clear at paragraph 49 that local authorities should "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as...people wishing to build their own homes"
84. With this in mind, their emerging Plan is being prepared in the context of it being brought forward after the April 2016 PPG update that the Council incorrectly view as the first point from which they must look to address this matter.
85. It is of relevance therefore that the emerging Central Lancashire Local Plan Update Issues and Options consultation of November 2019 **[CD7.30]** was entirely silent on the matter of Self-Build and Custom Housebuilding.
86. The Council is now developing its emerging Plan fully aware of the requirements that the legislation, the NPPF (2019) and the PPG place upon the authority and yet still it remains silent on the matter.
87. The PPG is clear that in order to obtain a robust assessment of demand for self-build and custom housebuilding in their area, local authorities should use demand data from the registers in their area supported by additional data from secondary sources such as, but not limited to, building plot search websites.
88. The Central Lancashire Housing Study of March 2020 **[CD7.05]** for which the Council were joint commissioners alongside South Ribble and Preston Councils and is a published part of the council's own evidence base to its emerging Plan uses secondary data sources as recommended by the PPG to undertake a more robust assessment of demand for Self-Build and Custom Housebuilding in Chorley.
89. The Housing Study finds a need for at least 185 serviced plots and that demand in the Borough could be as high as 1,929 serviced plots using secondary data sources to undertake a more robust

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<sup>6</sup> AM PoE Paragraph 2.70

assessment of demand, which exceeds that of both South Ribble and Preston. It reports at paragraph 9.37 that the evidence suggests that there is a sizeable level of demand for serviced plots which has not yet been reflected in the Council's own Self-Build Register.

90. The Council's position now appears to be that the report it has jointly commissioned and published as part of its own evidence base and which follows the PPG guidance in relation to using secondary data sources to undertake a robust assessment of demand "does not provide a robust assessment of actual demand for Self-Build in Chorley".<sup>7</sup> One must therefore question which other elements of the Housing Study the Council also now considers insufficiently robust.

### **Landscape and Visual Effects**

91. As a safeguarded site, the council accept the potential for development on this land, with no overriding landscape or visual constraints.
92. An LVIA was submitted with the application and the Council agree this follows recognised guidelines. The Council agree that this provides appropriate guidance for the determination of landscape and visual effects. The council also agree that this provides a robust analysis of the landscape and visual impacts of the appeal proposals.<sup>8</sup>
93. No landscape designations apply to the site or its immediate context with regard to landscape value or character, and it is agreed with the council that the site does not form part of a "Valued Landscape" as paragraph 170a of the NPPF.<sup>9</sup>
94. The scheme will inevitably result in some adverse landscape and visual effects, as is the case with all greenfield development. The impact is considered to be minor to moderate adverse. Mitigating measures can integrate open space within the development, integrating then majority of trees and hedges, and providing new planting.<sup>10</sup>
95. It is agreed with the Council that the harm resulting from the impact of development upon the character of the open area is not considered of itself to be so significant as to warrant the refusal of the application on this ground alone.<sup>11</sup>

### **Ecology**

96. The appeal proposals would not have any impact upon statutory designated ecology sites.
97. 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).
98. These habitats are capable of being retained and/or recreated as part of the scheme. Undertakings have been given in the application documentation, including in the DAS and framework Plans, that the important habitats found on the site will be retained and protected.
99. New landscape proposals would help to mitigate and off-set the residual harm. A comprehensive Landscape Creation and Management Plan (which will include new habitats) for the site can be prepared and secured by condition of any approval that may be granted to this outline application.

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<sup>7</sup> ZW Rebuttal Paragraph 2.3

<sup>8</sup> Landscape SOCG 5.1 and 5.2

<sup>9</sup> Landscape SOCG 5.4 and 5.5

<sup>10</sup> Landscape SOCG 5.7 and 5.8

<sup>11</sup> Landscape SOCG 5.9

100. In respect of protected species, the Council have therefore agreed that suitably worded conditions can be secured to ensure that on-site ecological interest is secured at the Reserved Matters stage.
101. The statutory consultee, the Greater Manchester Ecology Unit, raised no overall objections to the application on ecological grounds. Whilst they identified that there were (significant) ecological considerations that would need to be taken into account during the determination of the application and the implementation of the development, these are capable of being secured by suitably worded conditions to ensure that on-site ecological interest is secured at the Reserved Matters stage.

### **Heritage**

102. There are no designated or non-designated heritage assets within the appeal site. There is only one heritage asset that has the potential to be affected by the appeal proposal, namely the Grade II listed Houghton House Farmhouse.
103. The Council have agreed that the appeal site makes only a minor contribution to the significance of Houghton House Farmhouse due to its close physical association to the former farm complex, and to a minimal degree, its former use in relation to the farmhouse and farm complex. It is further agreed that this relationship is now largely eroded due to changes in use of the former farm buildings. The historic setting of the farmhouse has also been compromised by the expansion of Euxton and the settlements development to the north, west and south of the farmhouse since the mid-20th Century.
104. The proposed development will therefore result in a very minor reduction to the significance and setting of Houghton House Farmhouse: the mitigation strategies proposed as part of the design framework include the retention and reinforcement of landscaping to the site boundary and within the site; retention of the historic field boundary features; and the introduction of limited built development at the north-east section of the site. By undertaking the relevant policy assessment contained in Section 16 of the NPPF, the statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 will be met.

### **Highways**

105. Local residents have raised a number of concerns relating to highways and transportation issues. These include concerns about the Appeal Site access arrangements, congestion, Pear Tree Lane (between School Lane and Euxton Lane), the impact on Pear Tree Lane (south of School Lane) and Washington Lane and also highway safety.
106. The access arrangements are virtually the same as those previously proposed as part of the 2016 application, which were considered acceptable by both the County Council and the Inspector at the 2017 Public Inquiry. There have been some very minor changes, but the access arrangements are fundamentally the same as previously proposed. The current arrangements are indicated on Drg No 1318/09/G and are agreed with the County Council. Local residents appear to be particularly concerned about the southern access and the proximity of a 'blind bend'. The access strategy is designed to improve the existing situation by adding an access in this location and changing the priorities of the junction to direct School Lane traffic through the Appeal Site. Traffic will also be directed through the Appeal Site at the northern access. Therefore, the bend has affectively been replaced by a left turn into/right turn out of the minor arm junction. Visibility based on the 20mph speed limit can be achieved at minor arm of the junction.
107. It is agreed with the County Council that, subject to the implementation of the off-site improvements works, the cumulative impact of the Appeal Development on road network is not severe, as defined by paragraph 109 of the National Planning Policy Framework.

**Conclusion**

114. For all the reasons set out in the evidence of the appellant's witnesses, the Appellant will in due course request that the Inspector grants planning permission.

**22 June 2020**

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