

PLANNING APPEAL BY GLADMAN DEVELOPMENTS LIMITED

IN RESPECT OF LAND AT PEAR TREE LANE, EUXTON

PINS REF. APP/D2320/W/20/3247136

OPENING STATEMENT ON BEHALF OF

CHORLEY BOROUGH COUNCIL

Introduction

1. The appeal site comprises 7.3 ha of open countryside land currently used for agriculture, located on the eastern edge of Euxton to the south and east of School Lane. Euxton lies to the west of the site is the settlement of Euxton, and neighbouring development is a ribbon of houses fronting School Lane. The site is bounded to the north by an existing tree line, beyond which a Local Plan housing allocation is under construction. It is bounded to the south by a row of mature trees and hedgerows, with Valley Park beyond. The east of the site is bounded by Pear Tree Lane. Beyond this the countryside is designated as Green Belt
2. The application at appeal is for outline planning permission for development on the site of up to 180 dwellings of which 30% are proposed to be affordable. Access is sought as part of this application and would be from School Lane via two new priority junctions to the west and north of the site. The outline plan includes for the provision of planting, landscaping, public open space, childrens' play area and surface water attenuation (with details of these to be considered at reserved matters stage)
3. The Planning Committee refused planning permission by notice dated 13 November 2019 for the following reason:

“The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026 (“the Local Plan”). The Council has a five year housing land supply (“5YHLS”) as required by the National Planning Policy Framework (“NPPF1”). The proposal therefore conflicts with Policy BNE3 of the Chorley Local Plan 2012 – 2026. It is not considered that the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it”.

4. Planning permission for development of the site for up to 165 dwellings (30% affordable) was refused for substantially the same reason, and an appeal against that decision dismissed by decision letter dated 30 November 2017.

5. Inspector Jordan reasoned as follows in the course of her decision:

“Safeguarded land is land which is likely to be suitable for development in the long term, which for strategic purposes is considered unsuitable for development within the plan period or short term. As such, I am conscious that the purpose of safeguarded sites is to indicate the long term direction of development as a means of ensuring the protection of the Green Belt in the short and medium term. Their retention for that purpose, albeit not permanently, therefore has an important strategic role.

In assessing the harm that would arise from the release of the site I accept that the potential for release beyond the plan period indicates that it is appropriate to judge the harm that would arise from release now, against that arising from development at a future date. I also take into account that the harm arising to the objectives of policy from the release of safeguarded sites will be less than that which would arise from the release of Green Belt, which is intended to be permanent. Nevertheless, the specific identification of such sites as being safeguarded at this time elevates the importance of their protection above that of other open countryside during the plan period. Indeed Paragraph 85 of [NPPF1] 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.

... the release of the site within the plan period, when [NPPF1] 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”. [37-39]

6. NPPF1 [85] has been replaced by revised NPPF (“**NPPF2**”) [139] but is not changed, and the reasoning set out above remains both valid and current. It is the Council’s case that that reasoning should not be in issue.
7. The development plan remains the Central Lancashire Core Strategy (“**CLCS**”) and the Local Plan.
8. The Inspector has identified four main issues for the purposes of the current appeal, and the Council’s position in respect of these is summarised briefly below.

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

9. NPPF2 [73] requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need [**"LHN"**] where the strategic policies are more than five years old. Footnote [37], to which NPPF2 [73] refers, qualifies this as follows: *"unless these strategic policies have been reviewed and found not to require updating. Where [LHN] is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method {"SM"} set out in national planning guidance [{"PPG"}]."*
10. Having regard to NPPF2 [73], the Council's adopted strategic policy (CLCS Policy 4) is more than five years old, and has not been reviewed and found not to require updating. The Council is therefore required to assess its 5YHLS on the basis of its LHN.
11. This takes the decision-maker without more to that section of PPG entitled appropriately **"Housing and economic needs assessment"**. This contains a bespoke paragraph providing for the aggregation and distribution of assessments of LHN in respect of individual authorities in the situation that arises in Central Lancashire (one Housing Market Area, and a history of joint working between authorities). This underlies the Joint Memorandum of Understanding dated February 2020 (**"MOU2"**) that the Council has concluded with Preston City and South Ribble District Councils for that purpose.
12. This process of agreed aggregation and distribution was first undertaken in the context of NPPF1 and case-law relating to it, resulting in the earlier Joint Memorandum dated October 2017 (**"MOU1"**). It is clear that PPG - revised in light of the advent of the SM - articulates and does not reverse the approach that underlay MOU1 (and upon which Inspector Jordan, and others, have commented in favourable terms).
13. The 'raw' output of the SM in respect of the individual authorities here would see growth disproportionately skewed towards Chorley simply through perpetuating what happened (Buckshaw Village) within the period 2009/10-13/14, in contrast with longer term trends.
14. The agreed distribution, adopted following consultation, has been arrived at by reference to need-based factors (population, workforce, jobs, affordability, affordable housing (**"AH"**) needs), existing spatial strategy, strategic development constraints & housing capacity. It is supported by clear logic and will support, on an interim basis, sustainable patterns of development.
15. The current housing land requirement for Chorley in accordance with MOU2 (including a 5% buffer) is 292 dwellings per annum (**"dpa"**), or 1,460 for the 5 years commencing 1 April 2020.

The Appellant contends instead, based on SM 'raw' (plus 5%), for requirements of 598 dpa and 2,990 respectively.

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

16. The Council is able to demonstrate a five year supply of deliverable housing land at 1 April 2020 that results in 1,617 dwellings, whereas the Appellant contends that that supply stands at 1,505 dwellings. These figures result in 5.5 or 5.2 years' supply respectively, assessed against the requirement of 1,460 dwellings. The Council is therefore able to demonstrate a five year supply of deliverable housing land on either basis.

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

17. The most important development plan policy in this context is Local Plan Policy BNE3, and that policy is not out of date having regard to national policy. There is no change in circumstance in that respect since the previous appeal decision. The only arguable addition is CLCS Policy 1, and that policy is also not out-of-date having regard to national policy. Neither is out of date having regard to the evidence on 5YHLS. Full weight continues to attach to the development plan-based objection to the appeal proposal.

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

18. The irreversible loss of this safeguarded greenfield site contrary to development plan policy that is not out of date weighs heavily against the appeal proposal. The prospect that the appeal site or any part of it may be allocated for development in accordance with the emerging Central Lancashire Local Plan does not diminish that view to any degree in light of the very clear policy position at NPPF [139].
19. Less than substantial harm to the setting of Houghton House and adverse impact on the character and appearance of the site and its immediate surrounds also feature on the negative side of the balance.

20. Turning to social, environmental and social benefit in summary form:

- The Council considers that limited weight attaches to the provision of market housing, bearing in mind the 5YHLS position. Limited weight also attaches to the proposed affordable housing delivery in accordance with planning policy having regard to delivery in Chorley and the evidence of need in Euxton. Limited weight likewise attaches to the self-build component of the scheme. Other suggested social benefits attract moderate or no material weight;
- Moderate weight attaches to the benefits to be derived from the proposed on-site Sustainable Drainage System and likely net gain in biodiversity; and
- The economic benefits of the proposed development carry little or no weight.

21. It is the Council's case that the scales are – or, rather, clearly remain - weighed heavily against the proposed residential development of this safeguarded site including – if not more particularly - at this time.

Conclusion

22. The Council will respectfully request that the appeal be dismissed in clear-cut terms.

SIMON PICKLES

19 June 2020

**Landmark Chambers
London EC4A 2HG**