
Appeal Decision

Inquiry opened on 27 June 2017

Site visit made on 28 June 2017

by C Thorby MRTPI IHBC

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

Decision date: 08 August 2017

Appeal Ref: APP/N2345/W/17/3167436

Land off Garstang Road, Barton, Preston PR3 5DP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wainhomes North West Ltd against the decision of Preston City Council.
 - The application Ref 06/2016/0391, dated 30 April 2016, was refused by notice dated 15 November 2016.
 - The development proposed is the erection of up to 45 houses. All matters reserved except for access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i) whether the appeal site is an appropriate location for housing with regard to national and local plan policy, and
 - ii) the contribution the scheme makes to the provision of housing.

Reasons

3. *Location.* The appeal site is an open field, located outside the settlement boundary of Barton, in the countryside. Barton village is comprised of houses interspersed with fields and it has a small range of facilities and services. The nearest supermarkets and healthcare providers are located in neighbouring settlements and employment opportunities within the village are limited. There is a regular bus service, but given the dispersed nature of the facilities and services, it is highly likely that future occupiers will need to travel by car to access these, albeit some journeys may be short. On this basis, the proposed development would conflict with the Central Lancashire Core Strategy (CS) July 2012 policy 1 which establishes a hierarchy of settlements within the Central Lancashire area based on size, accessibility and range of services available. This policy places the small village of Barton in the lowest category of the hierarchy where small scale development, including infilling and proposals to meet local demand is sought unless there are exceptional reasons.
4. The scheme would also conflict with the Preston Local Plan 2012 – 2026, Site Allocations and Development Management Policies (LP) policies EN1 and

AD1 (b) which support the CS hierarchy by seeking to protect the countryside and restrict development in small villages. The aims of the aforementioned policies are consistent with the National Planning Policy Framework (NPPF) which seeks to guide development towards sustainable locations.

5. Planning permissions have been granted for over 230 houses in Barton which would add considerably to the size of the village. The larger schemes outside the settlement boundaries have mainly been granted planning permission at points in time where the Council were unable to demonstrate a 5 year housing land supply. However, even if there were significantly more houses this would not change the circumstances relating to access to services and facilities. Whilst the new development could include a convenience shop, much of it has not been built and future changes cannot be relied upon. Therefore, potential changes in the nature and character of Barton would not render the aforementioned policies out of date nor reduce the weight to be attached to any conflict with their aims.
6. *Contribution to the provision of housing.* The annual requirement established by the CS is 507 dwellings per year, a total of 2,535 for the 5 year period starting in April 2017. The CS makes provision for a 5% buffer based on previous years of variable over and under delivery. Since then there have been a number of years of under delivery, but this has taken a turn upwards and numbers in excess of the requirement were delivered last year. It is highly likely that the lower delivery rates were due to the economic recession and looking at the longer term economic cycle as a whole delivery is variable. There has not been a persistent record of under delivery and the 5% buffer therefore remains appropriate. I appreciate that the Plan end period is only 9 years away and there are a significant number of homes remaining to be delivered to meet the requirement; however, the large strategic sites are coming forward and the method of spreading the shortfall over the Plan period, as found sound in the CS, remains valid.
7. The Council consider that there is a cumulative undersupply of 1,662 dwellings. However, they reduce this by 668 long term empty homes returning to use, to a figure of 994 dwellings. The 668 figure for empty homes includes 498 dwellings brought back into use from 2006 – 2014 which is part of the data underpinning the housing figures in the LP. As this figure forms part of an adopted LP, I intend to treat it and the date at which the calculations start from, as robust for this appeal. The Council have counted a further 170 (197 – 27) long term empty homes returning to use from 2014 up to March 2017. The majority of the homes returned to use have been empty for two years or more and it is possible that deterioration could lead to their loss from the housing stock.
8. However, there has been some increase in the overall number of empty homes in Preston over recent years. It may be that new build is classified as an empty home, but the number affected is not clear from the submitted documents. The relationship between the increase in empty properties and the long term numbers returning to use leading to net gains has not been established. Without this information it cannot be concluded that they would reduce the shortfall and 170 dwellings should therefore be excluded leaving the shortfall at 1,164. Taking all of the above into account the five year requirement is 2,535 plus a proportion of the shortfall (2,535 + 647) plus the

5% buffer (159) which, based on the evidence for this appeal, amounts to some 3,341 dwellings.

9. In terms of supply, strategic sites in North West Preston/Cottam are progressing well and the delivery of the disputed 120 homes within the 5 year period is a reasonable prospect. Although there is no timetable for delivery of the houses at the allocated Tulketh Community College site, this now has the necessary disposal consent and again there is a reasonable prospect of delivery of 44 houses within the 5 year period.
10. The Council include an allowance of 133 dwellings for empty homes returning to use. Although the LP indicates that an allowance can be made towards the supply for empty homes, this should have a reasonable prospect of being delivered as a net increase for it to continue to be included. For the same reasons as above, the material put forward at this appeal is not adequate to demonstrate over the previous years there has been a net increase and cannot be relied upon to demonstrate a reasonable prospect of 133 dwellings coming forward to count toward the 5 year supply. I have removed these from the calculations.
11. 183 student homes are also included by the Council. At the Inquiry evidence was produced which showed a considerable net gain in housing returning from former student homes which would support the inclusion of student housing in the supply. There are no supporting calculations behind the Innovation House report which suggests a shortfall/a need in addition to the existing stock, and without this it has not been demonstrated that a shortfall exists. The 183 student homes should be retained in the supply.
12. The completion numbers differ between the parties. The appellant's method of not including houses where landscaping has not been completed may not be accurate as landscaping is often planted in the first planting season after completion. Marginal differences in data (2010-11) also account for the dispute in numbers and there is no detailed information about why this occurred. However, other year completions put forward by the Council and their methodology (including dates) are reasonable and their figures can be relied upon. The DCLG figures submitted at the Inquiry are so different from the Council's and appellant's figures that they carry little weight.
13. I find that the 5 year housing requirement is 3,341 dwellings and the expected supply is 3,393 (3,526 – 133) dwellings, and the Council can demonstrate a 5 year housing land supply. In these circumstances, the policies for the supply of housing are not out of date. Nevertheless, with a very small margin, I afford the provision of 44 houses, including 35% affordable housing, considerable weight in boosting supply and reducing the shortfall of market and affordable housing. Although there may be other variables, my conclusions are based on the information before me for this appeal. I have taken into account other appeal decisions where the 5 year supply ranged both above and below the requirement. However, the numbers vary with the passage of time and on the information put forward in each case.
14. *Other matters.* The site is located on a busy, major traffic route (A6). The network would be capable of taking the cumulative traffic from developments in Barton. Moreover, although traffic is moving quite fast, adequate visibility could be achieved along with a protected internal footpath to ensure that the access is acceptable and users of the highway would not be at risk. The

scheme would make provision for surface water arising from the site and there would be no increased risk to people or property from flooding. The Unilateral Undertaking makes provision for affordable housing, education, sustainable transport and open space in line with the Council's policies and I have taken it into account in reaching my decision.

15. With regard to other decisions, Ingol Golf Club differs from the appeal scheme as it is located within the northern suburbs of Preston adjacent to a strategic location. Inglemere differs as it is considered by the Council to be infill due to a boundary error.
16. *Planning balance and conclusion.* Future residents would help to contribute to the growing economy of Preston City and jobs relating to construction would provide some economic benefit. Some social benefits would be derived with new residents supporting the existing infrastructure. The housing would provide a choice which could reduce migration out of the Preston area. These are modest benefits which carry small weight in favour of the proposal.
17. However, the appeal scheme would conflict with CS Policy 1 and with LP policies EN1 and AD1 (b) which are key development plan policies seeking long term sustainable solutions to growth in Preston. The scheme would, therefore, conflict with the overarching aim of the NPPF which is to achieve sustainable development. The considerable weight to be attached to the provision of housing and other benefits is a material consideration but not of an order that would outweigh the conflict with the NPPF, and CS and LP policies which carry the full weight of the development plan. There are no exceptional reasons to allow the scheme and, therefore, the appeal is dismissed.

Christine Thorby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Evans of Counsel

He called

Mr M Molyneux. Head of Planning Policy for Preston City Council.
Mr D Clapworthy. Senior Planning Officer for Preston City Council.

FOR THE APPELLANT:

Mr D Manley QC

He called

Mr S Harris. Director of Emery Planning Partnership.
Ms K Delaney. Associate Director of NLJ Consulting Ltd.

INTERESTED PERSONS:

Mr J Parker
Mr Bleasdale
Mr A O'Neill

Barton Parish Council – Chair
Parish Councillor and local resident
Local resident

DOCUMENTS

- 1 Email dated 26 June 2017 relating to former Tulketh High School
- 2 Student accommodation and Council tax figures
- 3 Empty Homes double counting details
- 4 Ingol Golf Club and Squash Club report to Planning Committee
- 5 High Court transcript of case reference C1/2015/2559
- 6 Unilateral Undertaking
- 7 Statement from Mr Parker
- 8 Statement from Mr Bleasdale
- 9 Statement from Mr O'Neill
- 10 Section 106 Compliance Note
- 11 Extract from DCLG completed dwellings table