



## Appeal Decision

Inquiry Held on 16 - 19 March 2021

Site visit made on 25 March 2021

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> June 2021

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**Appeal Ref: APP/F2360/W/19/3234070**

**Land to the South of Chain House Lane, Whitestake, Preston**

- 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 South Ribble Borough Council.
  - The application Ref 07/2018/9316/OUT, dated 4 December 2018, was refused by notice dated 27 June 2019.
  - The development proposed is Outline Planning Permission for up to 100 dwellings with access and associated works.
  - This decision supersedes that issued on 13 December 2019. That decision on the appeal was quashed by order of the High Court.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. At the Inquiry an application for costs was made by Wainhomes (North West) Ltd against South Ribble Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. For clarity, when considering the previous decision relating to the fifth bullet point of the above header, I shall refer to it as the quashed decision, and to the High Court order as the HC Judgement.
4. The site address in the above header is taken from the original planning application form. This provides sufficient information to describe the location albeit that reference to it being land to the rear of Oakdene in the Council's decision and on the Appeal form provides increased clarity.
5. The appeal relates to an outline planning application with all matters reserved for future consideration other than access. The matters of appearance, landscaping, layout and scale would therefore be for future consideration were the appeal allowed. However, the Appellant has submitted an illustrative masterplan, to show how the site could be developed. That plan is the amended version submitted for and considered at the previous Inquiry (Ref. 1638WHD/CHL/IM01 Revision B) which was accepted in that case by my colleague, along with an amended access plan (Ref. SCP 18355/FO2 Revision

B), relating to a minor alteration to the access to avoid a tree on the neighbour's boundary. I have no basis to consider differently to my colleague that the amended plans do not substantively alter the proposals, and would not prejudice the interests of interested parties. I have therefore also accepted those plans and determined the appeal on that basis.

6. Again, as referred to by my colleague in the quashed decision, the Council has withdrawn its third reason for refusal relating to air quality following the submission of an Air Quality Assessment. There remain no differences between the Council and Appellant on this matter which I have therefore not dealt with as a main issue, albeit acknowledging that it remains a point of concern for a number of local residents.
7. Among other appeal decisions submitted and referred to in relation to this appeal, one relates to Land at Cardwell Farm, Garston Road, Barton, Preston, Ref APP/N2345/W/20/3258889 (the Cardwell Farm decision). That appeal was allowed and the decision has been challenged by Preston City Council. However, that does not change the evidence before me as the decision remains in place unless it is quashed by order of the High Court. Notwithstanding that and other decisions referred to, whilst taking them into account, I have considered this appeal on its own merits based on all of the evidence before me.

### **Main Issues**

8. The main issues are:
  - i) the South Ribble Borough Council housing requirement and whether the Council can demonstrate a five year supply of deliverable housing sites; and
  - ii) whether the proposed development would prejudice the Council's ability to manage the comprehensive development of the wider area of safeguarded land within which the appeal site is located, with particular regard to policy G3 of the South Ribble Local Plan 2015 (the Local Plan).

### **Reasons**

9. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, 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 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is such a material consideration.
10. The development plan for the area comprises the Central Lancashire Core Strategy (Core Strategy), adopted in July 2012, and the Local Plan adopted in July 2015. The appeal site forms part of a larger area of safeguarded land referred to in policy G3 of the Local Plan as S3: South of Coote Lane, Chain House Lane, Farington and as identified on the adopted Policies Map. Policy G3 is the only policy cited in the two remaining reasons for refusal relating to the Council's decision. Policy 4 of the Core Strategy is also directly relevant in

relation to the housing requirement and calculation of the five year housing land supply.

#### *Housing requirement*

11. Policy 4 of the Core Strategy sets out the housing requirement for the three Central Lancashire authorities; Preston, South Ribble and Chorley, which form one Housing Market Area (HMA). A figure of 417 dwellings per annum (pa) is specified for South Ribble at part (a) of the Policy, and parts (b) to (d) relate to the review of housing delivery performance, and ensuring that a five year supply and sufficient housing land is identified by site allocations.
12. Paragraph 73 of the Framework 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 where those policies are more than five years old. The strategic policies within the Core Strategy are clearly more than five years old in which case footnote 37 to paragraph 73 gives the proviso 'unless these strategic policies have been reviewed and found not to require updating'. The footnote also states that where local housing need 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 set out in national planning guidance.
13. The three Central Lancashire authorities entered into a Joint Memorandum of Understanding and Statement of Co-operation relating to the provision of Housing Land in September 2017 (MOU1). MOU1 was informed by a Central Lancashire Strategic Housing Market Assessment dated September 2017 (SHMA). It was agreed in MOU1 that the housing requirements set out in policy 4 of the Core Strategy should continue to apply until the adoption of a replacement local plan. This matter related to ground 1 of the HC Judgement. In this respect, Mr Justice Dove concluded that the Inspector's reasons for finding that MOU1 and the SHMA process leading up to it did not properly constitute a footnote 37 review are not legally adequate, and that her conclusions are affected by illegality in the form of an error of fact. It is now common ground between the Council and Appellant that policy 4 of the Core Strategy was subject to review in 2017 when it was found not to require updating. I have no substantive basis to consider differently.
14. However, importantly, the previous decision was not quashed in relation to ground 1. This was due to the points raised under ground 3 representing a fallback and that the HC Judgement found that the conclusion the Inspector reached that there had been a significant change pursuant to the Planning Practice Guidance (PPG)<sup>1</sup> arising from the introduction of the standard method (the SM) in the 2018 Framework, was a planning judgement reasonably open to her based upon a correct interpretation of the PPG, albeit that other conclusions might reasonably be reached by other Inspectors. In coming to that finding, Mr Justice Dove said that "*the language of the PPG and its proper interpretation did not constrain the Inspector and preclude her from reaching the conclusion that she did, namely that the significant difference between the housing requirement in Core Strategy policy 4(a) and that generated by the standard method was capable of amounting to a significant change rendering Core Strategy policy 4(a) out of date*".

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<sup>1</sup> Paragraph 062, Reference ID: 61-062-20190315

15. I acknowledge the concern raised by the Appellant that the Framework, and paragraph 73 in particular, could not have been written with the expectation of the use of the SM rendering reviewed policies out of date. However, I do not consider that the introduction of the SM in itself represents a significant change in circumstances. Rather, the question is whether the outcome of applying the SM represents a significant change, if it is appropriate to apply the SM in the first place.
16. In paragraph 34 of the quashed decision, it refers to any effects of redistribution of housing and how the use of the SM will affect the other two Central Lancashire authorities, as being a matter for their own decision making and for the emerging Central Lancashire Local Plan (CLLP) in carrying out a full review of housing policies. I agree that to be the case.
17. Furthermore, in paragraph 36 of the quashed decision, it states that it is clear to the Inspector that the direction of travel by all three authorities is towards the SM and a re-distribution of the housing requirement based on a range of factors including population, workforce and jobs distribution and constraints (including Green Belt). This is apparent from a combination of the work relating to a second Memorandum of Understanding (MOU2), entered into by the three HMA authorities in April 2020, albeit no longer in place given the withdrawal of one of the signatories; the March 2020 Central Lancashire Housing Study which was taken into account in MOU2, even if consideration was not given to whether or not the housing requirement figure in Core Strategy policy 4 was up to date or there were grounds for concluding that there had been a significant change; the Issues and Options Consultation document, November 2019, relating to the production of the new CLLP; and the Council's Annual Housing Requirement report dated 8 March 2021.
18. The use of the SM in producing the emerging CLLP would be consistent with paragraph 60 of the National Planning Policy Framework (the Framework) which states, amongst other things that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the SM in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. I therefore also consider that the direction of travel is towards use of the SM. As such, in this respect, it is reasonable to consider the implications of the Framework's introduction of the SM for the housing requirement in the context of this appeal.
19. I acknowledge, and agree with my colleagues in their respective appeal decisions relating to housing schemes at Land at Cardwell Farm referred to above and Pear Tree Lane, Euxton, Chorley<sup>2</sup>, that any re-distribution of housing requirement amongst the Central Lancashire Authorities should not be conducted through decision making outside of the development plan making process. However, that does not mean that the application of LHN derived from using the SM, without any subsequent re-distribution, cannot be considered in decision-making. This is apparent in those circumstances whereby the SM would be required to be used under the terms of paragraph 73 and footnote 37 of the Framework to calculate the housing requirement if adopted strategic

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<sup>2</sup> Appeal decision Ref: APP/D2320/W/20/3247136 dated 11 August 2020

- policies are more than five years old and require updating, whether that follows a review or if no review has been undertaken.
20. In the case of Central Lancashire, notwithstanding the work conducted to inform the review of the Core Strategy and the MOU2 figures, the emerging CLLP remains at a relatively early stage in the process towards adoption. There are therefore no new housing requirement figures that are adopted or close to adoption through a new development plan with no associated agreement as to any re-distribution of housing need. I therefore have no substantive basis to consider it inappropriate to take into consideration that change in the Council's housing requirement figure resulting from the application of the SM alone without any further re-distribution.
  21. Paragraph 062 of the PPG states, amongst other things, that where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then that plan will continue to constitute the up-to-date plan policies unless there have been significant changes in circumstances as outlined later in paragraph 062. In this case MOU1 pre-dated the 2018 Framework and was clearly within the last 5 years.
  22. The PPG states that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below that generated using the SM. However, it does not state that to be the only scenario. The final sentence of paragraph 062 also states that this is to ensure that all housing need is planned for as quickly as reasonably possible.
  23. Reliance on LHN calculated using the SM, rather than on a review similar to that culminating in MOU1, having regard to the HC Judgement, is therefore consistent with the PPG and paragraph 33 of the Framework, where a re-distribution of housing requirement is not being considered. As such, that reliance would be a reasonable approach, regardless of MOU1 having comprised a review and whether or not the Council's Annual Housing Requirement report dated 8 March 2021 can be considered to be a policy review for the purposes of paragraph 73 and footnote 37 of the Framework.
  24. Fundamentally, with the application of the SM in this case, the housing requirement figure would be significantly lower, 191 dwellings for South Ribble as opposed to 417 dwellings in policy 4(a) of the Core Strategy. Paragraph 33 of the Framework, regardless of it not directly referencing the calculation of housing land supply in respect of paragraph 73 of the Framework, makes it clear that, amongst other things, relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future. It does not define what significant is nor stipulate that this relates solely to where the figure increases.
  25. Although little weight should be afforded to the emerging CLLP due the relatively early stage it is at towards adoption, the associated Issues and Options Consultation document nevertheless states that *'it is likely that the number of homes we must deliver for this plan period of 2021-2036 will be different to our existing policy'*. That was in the context of having applied the SM and calculated the minimum number of homes required per year at the time of producing that document as being 1,033 houses across Central

- Lancashire and 213 for South Ribble; albeit that it also states that the three Councils are still looking into the number of homes needed and how these will be spread across the three authorities.
26. Notwithstanding the work carried out surrounding MOU2, I also have no substantive basis, given that relatively early stage towards adoption of the emerging CLLP, to indicate whether or not any re-distributed figures would still amount to a significant difference to that in the Core Strategy for South Ribble. It might be the case that the actual LHN for South Ribble in the emerging CLLP is greater than the 191 dwellings. However, that is a matter for that plan-making process, as is consideration of any other factors such those surrounding the Preston, South Ribble and Lancashire City Deal, and does not diminish the situation whereby the LHN figure based on the SM represents a significant change in circumstances at the current time.
27. I acknowledge that such a significant reduction needs to be considered in the context of the Government's objective, set out in the Framework, of significantly boosting the supply of homes. It should also be considered in the context of the clear need for affordable housing in the Borough. Furthermore, I have taken account of the other factors set out by my colleague in relation to the Cardwell Farm decision, those relating to the continued application of Core Strategy housing requirements at the time of MOU1 remaining relevant today. He highlighted that MOU1 noted that continuing to apply the Core Strategy housing requirement would, amongst other things, reflect the spatial pattern of development set out in Core Strategy policy 1. However, that is not in the context of applying the SM and does not diminish the circumstances whereby the introduction of the SM into the Framework since MOU1, designed to achieve the Government's objective of significantly boosting the supply of homes, gives rise to a significant change, albeit a lower figure. Furthermore, it would not in any case preclude sustainable housing development, including affordable housing, above the minimum LHN figure.
28. In the Cardwell Farm decision, where my colleague did not find policy 4(a) to be out of date, he refers to the Council pointing to the introduction of the standard method for assessing LHN as being a significant change in circumstances since MOU1. He also refers to the quashed decision relating to this appeal and the associated HC Judgement. However, the full evidence presented to my colleague, relating to a different scheme in a different local planning authority area, is not before me to enable a clear picture of the background to his decision. That decision focuses consideration on the application of the SM in the context of MOU2, which he highlights sought to redistribute the LHN figures across those Central Lancashire Authorities. There is no attempt to do that in this case whereby the Council seeks to apply the SM without any redistribution, resulting in what I consider to be a significant difference in the housing requirement for South Ribble between that in policy 4(a) and that generated by the SM.
29. As referred to above, the Council has submitted what it claims, for the purposes of paragraph 73 and footnote 37 of the Framework, to be a review of the figure to be used as the basis for calculating the Council's housing land supply when determining planning applications and appeals for housing schemes. This is in the form of a Record of Executive Member Decision taken under the Scheme of Delegation dated 8 March 2021 entitled Annual Housing Requirement. The Appellant disputes whether it can be described as a review.

Even if I were to consider that document not to be a review, it would not alter my finding in relation to the introduction of the SM resulting in a significant change in the Council's housing requirement figure that renders policy 4(a) out of date. I have therefore not considered the question of whether it constitutes a footnote 37 review in any further detail.

30. For the above reasons, I conclude that for the purposes of this appeal, it is appropriate to calculate the housing requirement against LHN using the SM due to the significant difference between the LHN figure and that of policy 4(a) amounting to a significant change in circumstances which renders policy 4(a) out of date.

#### *Housing supply*

31. Based on the LHN figure of 191 dwellings per annum, it is common ground between the parties that the Council would be able to demonstrate between 10.1 and 12.7 years' worth of supply of deliverable housing sites. That difference arises due to the dispute between the Council and Appellant over the windfall allowance and the deliverability of two sites within the five year period. It represents the range from that of the Appellant's position to that of the Council's. Even if I were to accept the lower figure this would still represent a supply well in excess of the minimum five years' worth required by the Framework. Therefore, whilst having considered the evidence relating to those disputed elements, the weight afforded to either end of the above supply range would not be significantly different. As such, I have not dealt with this particular matter in any further detail.

#### *Safeguarded land*

32. Policy G3 of the Local Plan, in setting out areas of safeguarded land, states that such land is not designated for any specific purpose within the Plan period. It goes on to state that existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed. The supporting text to that policy explains, amongst other things, that the presumption against built development on these safeguarded land sites will assist in directing development towards those areas allocated for development and also ensuring the permanence of the Green Belt.
33. Further to the High Court Judgement, it is agreed by the Council and Appellant that policy G3 is out of date in the scenario whereby the housing requirement is derived from the application of the SM, and I have no substantive basis to consider differently. This is due to the consequences upon, and the stark difference in, the housing distribution within the Central Lancashire Authorities, as referred to in the HC Judgement and was the only reason that the previous decision was quashed. It calls into question the existing quantity and distribution of safeguarded land, albeit that these would be matters for detailed consideration and analysis in the plan-making process rather than for this decision.
34. Nevertheless, even though policy G3 is out of date that does not mean it should be disapplied, but rather is a factor in the weight afforded it in the planning balance. Furthermore, it is a policy that remains consistent with the Framework which in paragraph 139 sets out that when defining Green Belt boundaries, plans should, amongst other things, where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order

- to meet longer-term development needs stretching well beyond the plan period; and make clear that safeguarded land is not allocated for development at the present time. Paragraph 139(d) goes on to state that planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development.
35. Although the proposed development would occupy only a relatively small part of area S3, it would still be a major form of development. The supporting text to policy G3 clarifies that some appropriate minor residential development adjacent to other properties would be considered. I, like my colleague in the quashed decision, do not consider the proposed scheme for up to 100 dwellings to represent minor residential development. As such, it would not be of a sufficiently small scale to be construed as ensuring that existing uses on the safeguarded land would for the most part remain undisturbed.
  36. Notwithstanding any other material considerations relating to policy G3 being out of date, the proposed development would be contrary to that first element of policy G3 referred to above. Furthermore, as I have found that the Council has a minimum of 10.1 years' worth of supply of deliverable housing sites, this would not put pressure on this safeguarded land to be developed now to meet an unmet need.
  37. Policy G3 of the Local Plan goes on to state further that planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land.
  38. The submitted illustrative masterplan shows how vehicular and pedestrian access could be provided to adjoining land owned by Homes England. Furthermore, a joint illustrative masterplan prepared by the Appellant and Homes England, relating to the wider area of land comprising the site and that adjoining land, shows how access could be provided comprehensively to and between both sites. Unencumbered and unfettered access from the appeal site to the Homes England land could also be secured by a condition.
  39. I acknowledge that this joint masterplan has not been submitted in connection with a planning application for that wider area of land comprising the two sites and that, as such, no formal consultation has been undertaken. Nevertheless, it does give an indication as to how the proposed development could be implemented without prejudicing development of that adjacent land. Furthermore, I acknowledge that the majority of the remaining part of S3, the land south of Cote Lane, is physically separated from the site by Church Lane and the railway line and thereby unlikely to be prejudiced in terms of access and so could be developed independently.
  40. This corresponds with the examining Inspector in her Report dated 9 June 2015 on the examination into the site allocations and development management policies development plan document, where she referred to the site and land to the east, also in S3, as being physically separate parcels of land and that it would no doubt be possible for them to be developed in isolation. She does however go on to say that one of the benefits of promoting a comprehensive development of the larger allocated and safeguarded sites is that they would provide the opportunity to plan to meet the need for essential infrastructure improvements. She goes on to say that piecemeal development of smaller parcels of land within the overall site allocation is unlikely to provide the same opportunity.



41. Furthermore, section 12 of the Framework relates to achieving well-designed places and my colleague, in the quashed decision, referred to the implications of piecemeal development of the S3 area as a whole. It was highlighted that there was no evidence to suggest that 100 dwellings alone would warrant contributions to, for example, local education provision and a nearby railway crossing at the present time or that such contributions would meet the tests in paragraph 56 of the Framework. I agree with this position and that the development of S3 as a whole may require local infrastructure improvements to properly support it in the interests of effective placemaking and efficient infrastructure delivery.
42. There would be a risk of missing the opportunity to achieve such effective placemaking and efficient infrastructure delivery if piecemeal developments such as that proposed come forward without the umbrella of an overall masterplan approach for S3. Such a masterplan approach would be consistent with the Government's objectives in section 12 of the Framework to achieve well-designed places, including engagement with local communities and setting out a clear design vision and expectations, a finding by my colleague in the quashed decision which I have no substantive basis to disagree with. The submitted joint masterplan by the Appellant and Homes England, despite demonstrating how those particular two parts of S3 may interact in access terms in particular, does not clearly address any likely need for wider infrastructure provision.
43. I acknowledge that the proposals include provision for financial contributions towards local bus service improvements; to improve, enhance and maintain cycle parking at Lostock Hall train station; and towards improvements to off-site playing pitch and play space; together with provision for on-site public open space. However, that would all be tailored to the requirements of the proposed development and not to how infrastructure might be more appropriately provided for the overall development of the S3 area.
44. With regard to comprehensive development of the S3 area, my colleague in the previous decision also highlighted concerns raised about the extent of the distance from the existing urban area and that the proposed development would be on a pocket of safeguarded land in isolation.
45. In this respect I note that the site would be approximately 1.6 kilometres from Lostock Hall which is the nearest destination for a good range of shops and services to serve the day to day needs of prospective residents as well as the rail station. There is footway access alongside the intervening fairly direct roads. However, the distance involved, whilst within walking and cycling distance for some people, would be unlikely to encourage significant numbers to do so on a regular basis. Furthermore, as also highlighted by the previous Inspector, comments received from interested parties raised issues regarding the narrow roads and inadequate footways, the slope of the railway bridges and feeling unsafe when cycling. I agree that such concerns add some weight to the point about the likely degree of walking and cycling to Lostock Hall, albeit limited in the absence of substantive evidence to demonstrate that the proposed development would pose a risk to highway and pedestrian safety.
46. In terms of good place-making, for the above reasons, were the S3 land to be developed, an overall masterplan approach would give the opportunity to ensure the part nearest to the urban area, the land south of Cote Lane, could

be developed first or at least allow careful consideration to be given to appropriate phasing of development.

47. I acknowledge that the development of the allocated Pickerings Farm site on the opposite side of Chain House Lane from the site would result in a significantly altered pattern of development in the locality whereby it is currently characterised by a largely ribbon form of development alongside Chain House Lane. However, that land opposite remains undeveloped and the proposed development alone, in the absence of that allocated development or other development on nearby safeguarded land, including within S3, would stand out as an uncharacteristic and disconnected form of development in that existing local context.
48. For the above reasons, the proposed development would be contrary to policy G3 of the Local Plan both in terms of that policy's requirement that existing uses will for the most part remain undisturbed during the Plan period or until the Plan is reviewed, and in prejudicing potential longer term comprehensive development of the wider area of safeguarded land within which the appeal site is located. In respect of this issue, the proposed development would also be contrary to paragraph 139 and section 12 of the Framework.
49. I will consider this issue further in the planning balance, including in relation to policy G3 being out of date having regard to the deployment of the SM in calculating LHN and the consequences for the distribution of housing.

#### *Planning balance*

50. With regard to paragraph 11(d) of the Framework, the policies which are most important for determining the application are Core Strategy policy 4 and policy G3 of the Local Plan. I have found that Policy G3 and the element of policy 4 comprising paragraph 4(a) are out-of-date for the reasons given in my consideration of the main issues. The tilted balance set out in paragraph 11(d)ii of the Framework therefore applies.
51. I have also set out that the reasons for policy G3 being out of date calls into question the existing quantity and distribution of safeguarded land. However, I have found that the proposed development would be contrary to policy G3 and it remains the case that such extent and distribution of safeguarded land would be matters for detailed consideration and analysis in the plan-making process rather than for this decision. Furthermore, and importantly, I have found that the Council can demonstrate at least 10.1 years' worth of supply of deliverable housing sites against its requirement to provide a minimum of 5 years' supply.
52. There is therefore currently no substantive basis to consider that the site should be disregarded as safeguarded land and there is no housing need requirement to justify its development now. As such, whilst full weight cannot be afforded to policy G3 for the reasons relating to it being out of date, it should still be afforded significant weight.
53. Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development comprising upto 100 dwellings, and with the potential to progress without unnecessary delay, would be a benefit in this respect. This would include the social benefit of providing 30% of those homes as needed affordable housing. However, given that the Council can demonstrate a supply of deliverable housing sites well in excess of the

minimum 5 year requirement, this significantly reduces the weight attached to such benefits.

54. As identified by my colleague in the quashed decision, the proposed development would have potential local economic benefits arising from construction jobs and support to construction related businesses; additional spending by prospective residents; the payment of the New Homes Bonus and additional Council Tax revenue. Provision of on-site public open space would also have the potential to benefit existing local residents as well as prospective occupiers. However, private amenity space, in the absence of any substantive evidence that it would be anything significantly more than that required to provide an acceptable living environment for prospective residents, would be unlikely to have wider benefit. Furthermore, I do not consider it likely that any new landscaping would necessarily be anything other than a neutral factor given that it would be in association with the proposed development which would represent a distinct change to the current open countryside character of the site.
55. Proposed financial contributions towards bus transport improvements, cycle parking at Lostock Hall train station, and improvements to off-site playing pitch and play space would have the potential to benefit existing local residents. However, such provision would fundamentally mitigate the effects of the proposed additional housing, thereby attracting little weight.
56. I note that the Cardwell Farm appeal was allowed following the application of the tilted balance. However, in that case, where there was also some limited harm to the character and appearance of the area, it was on the basis of there not being a 5 year HLS, unlike in this case, and it did not involve the issue of safeguarded land. The circumstances are therefore different, and I have in any case determined this appeal on its own merits.
57. For the above reasons, in light of my finding that significant weight should continue to be afforded to policy G3 despite being out of date, the proposed development's conflict with the site being within safeguarded land and the unacceptable harm that would be caused in terms of prejudicing potential longer term comprehensive development of the wider area of safeguarded land within which the appeal site is located, would significantly and demonstrably outweigh the benefits identified, when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

58. For the above reasons, I conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Giles Cannock QC

Instructed by Tasneem Safdar of  
South Ribble Borough Council

He called:

Greg Boyd BSc (Hons) MRTPI

Senior Planner, Strategic Planning  
Team, Icen Projects Limited

Nick Ireland BA (Hons) MTPI MRTPI

Director, Strategic Planning Team,  
Icen Projects Limited

### FOR THE APPELLANT:

Vincent Fraser QC

Instructed by Stephen Harris of  
Emery Planning

He called:

Ben Pycroft BA (Hons) Dip TP MRTPI

Director, Emery Planning

Stephen Harris BSc (Hons) MRTPI

Director, Emery Planning

### INTERESTED PERSONS:

Councillor Karen Walton

South Ribble Borough Council Ward  
Councillor for Farington West

Jean Berry

Local resident and on behalf of Say  
No to Chainhouse Lane Development

Councillor Elaine Robb

Parish Councillor for Farington and  
local resident

Michael Collison

Local resident

Alan Pemberton

Local resident

## **INQUIRY DOCUMENTS:**

1. Appellant's opening statement.
2. Opening submissions of the LPA.
3. Copy of notes of verbal presentations by interested parties, made on 16/03/21 unless indicated otherwise, as follows:
  - 3.1. Councillor Karen Walton
  - 3.2. Jean Berry
  - 3.3. Councillor Elaine Robb

- 3.4. Michael Collison (together with copies of photographs) on 17/03/21
- 3.5. Alan Pemberton on 17/03/21
4. Email from Jean Berry dated 17/03/21 concerning the Inquiry site visit.
5. Extract from South Ribble Borough Council Constitution dated February 2021, submitted by the Council.
6. Copy of email from the Council dated 18/03/21 concerning the timeline leading to the Record of Executive Member Decision Taken Under the Scheme of Delegation, dated 8 March 2021, titled Annual Housing Requirement.
7. Email from Appellant dated 18/03/21 concerning arrangements for unaccompanied site visit.
8. Email from Council dated 19/03/21 providing update concerning the land at Belle Field Close, Penwortham, site at Leyland Road, land off Claytongate Drive (Site CC), confirming that the County Council exchanged contracts for the sale of this land for residential development on 18/03/21 and that the developers are now under a contractual obligation to submit a planning application.
9. Copies of Central Lancashire Design Guide and Open Space and Playing Pitch Supplementary Planning Documents.
10. Email from Appellant dated 19/03/21 appending copies of plans referred to in suggested conditions 6 and 22, together with a reworded condition to replace suggested conditions 22 and 23, and also appending an email from the highway authority dated 13/11/19 concerning a recorded accident on 7/10/16 around 1 mile west of the site.
11. Copy of email from Preston City Council dated 18/03/21 expressing its intention to challenge the Appeal decision for Land at Cardwell Farm Ref. APP/N2345/W/20/3258889.
12. Email from Appellant dated 19/03/21 relating to Pickerings Farm, clarifying that evidence presented was that the masterplan includes the S2 land, not the current application, and that the application deals with EE only.
13. Costs application on behalf of Wainhomes (North West) Ltd.
14. Closing submissions of the LPA.
15. Appellant's Closing Statement.