



## Appeal Decisions

Inquiry Held on 13-16; 19-23; 26-30 April & 17 & 18 May 2021

Site visit made on 6 May 2021

**by S R G Baird BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> February 2022**

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### **Appeal A: APP/N2345/W/20/3258890**

#### **Land to the south of Goosnargh Cottage, 826 Whittingham Lane, Goosnargh, Lancashire**

- 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 Sentantii Holdings Limited against the decision of Preston City Council.
  - The application Ref 06/2018/0811, dated 23 July 2018, was refused by notice dated 6 March 2021.
  - The development proposed is for the erection of up to 65 dwellings with access from Whittingham Lane.
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### **Appeal B: APP/N2345/W/20/3258894**

#### **Land to the south of Whittingham Lane, Goosnargh, Lancashire**

- 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 Sentantii Holdings Limited against the decision of Preston City Council.
  - The application Ref 06/2019/0311, dated 13 March 2019, was refused by notice dated 6 March 2020.
  - The development proposed is the erection of up to 80 dwellings with access from Whittingham Lane.
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### **Preliminary Matters**

1. These applications, accompanied by illustrative Masterplans, were submitted in outline with all matters reserved except for access.
2. For Appeal A, a S106 Agreement provides for affordable housing (AH), open space and financial contributions for public transport improvements and primary school places. For Appeal B, a S106 Agreement provides for affordable housing (AH), open space and financial contributions for public transport improvements and primary and secondary school places.
3. Although adjoining sites, for Site A the Education Authority (EA) does not seek a contribution for additional secondary school places. On a precautionary basis, the appellant has submitted a S106 Unilateral Undertaking (UU) to provide for secondary school places.
4. These appeals were heard in conjunction with 5 others, 3258896 and 3258898 - land at Swainson Farm, 3258912 - land at Bushells Farm, 3267524 - land north of Whittingham Lane, and 3257357 - land to the North of Old Rib Farmhouse, Longridge. These appeals are the subject of separate decisions.

5. Apart from the Longridge (3257357) and land north of Whittingham Lane, (3267524) cases, the remaining cases (3258890; 3258894; 3258896; 3258898 & 3258912), share a single reason for refusal (RfR), conflict with the development plan. The local planning authority's (lpa) Statement of Case for these appeals refers to addressing impact on the character of the village and open countryside. Following my request for clarification, the lpa confirmed that it would pursue a second RfR based on, cumulative impact but not landscape and visual impact (Annex A.)
6. At the Case Management Conference (CMC), the lpa confirmed that concerns regarding cumulative impact related only to the character of Goosnargh and do not relate to harm in respect of, infrastructure capacity, character of the landscape/visual amenity and townscape character/visual amenity.
7. The lpa's slated site-specific planning witness was unable to attend the inquiry session devoted to site specific matters and his proof of evidence was adopted by the lpa's substitute witness, Mr Blackburn.
8. In July 2021, a revised National Planning Policy Framework (Framework) was issued. Although paragraph numbers changed, the revisions were not material and the parties were not asked for comment. Two further matters arose, which were material and comment was sought. These were, an appeal decision in relation to residential development on land to the south of Chain House Lane, Preston issued on the 24 June 2021, and an updated Housing Land Position statement as of 31 March 2021. Briefly, the HLPS concludes that based on the development plan housing requirement, the lpa can show a 15.3-year supply of housing land or, based on local housing need (LHN) based on the Standard Method (SM) there would be a 6.1-year supply. Responses have been taken into consideration.

## **Decisions**

### **APPEAL A**

9. The appeal is dismissed.

### **APPEAL B**

10. The appeal is dismissed.

## **Main Issues**

11. These are:

- (1) whether the proposal conflicts with the development plan;
- (2) whether the development plan policies most important for determining these appeals are out-of-date, with reference to (a) whether the lpa can show a 5-year supply of deliverable housing sites and (b) consistency with the National Planning Policy Framework (Framework);
- (3) the effect on the character of the village; and
- (4) whether the conclusions on matters 2a and 2b above or any other material consideration would justify allowing the appeals, the planning balance.

## Reasons

### Issue 1

12. The development plan includes the *Central Lancashire Adopted Core Strategy July 2012* prepared as a joint Core Strategy (JCS) for Preston, South Ribble and Chorley and the *Preston Local Plan 2012-26* (LP) adopted in July 2015.
13. Of the various JCS and LP policies listed as being relevant, it is agreed that JCS Policy 1 – Locating Growth, JCS Policy 4 – Housing Delivery and LP Policy EN1 – Development in the Open Countryside are the most important policies for the determination of these appeals.
14. JCS Policy 1 seeks to concentrate growth and investment in a hierarchy of 6 broad locations starting with: (a) the Preston/South Ribble Urban Area; (b) Key Service Centres (KSC); (c) Strategic Sites; (d) Urban Local Service Centres; (e) Rural Local Service Centres and (f) Other Places. This spatial strategy seeks to direct development to more sustainable higher order centres and minimise development at lower order centres.
15. For the purposes of JCS Policy 1, development proposals at Goosnargh fall to be considered against part (f) – Other Places. Here, development will typically be small scale and limited to appropriate infilling, the conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. The appellant accepts that individually, these proposals are not small scale and there are no exceptional circumstances to justify development of the scale proposed. Whilst the spatial strategy acknowledges that some greenfield development will be required, it is to be directed to the fringe of the main urban area. Goosnargh, as a rural village and at the bottom of the spatial hierarchy does not count as a main urban area. These proposals conflict with JCS Policy 1.
16. JCS Policy 4 – Housing Delivery, is statement of the minimum annual requirement the JCS seeks to achieve.
17. These sites are in Open Countryside and LP Policy EN1 says that development, other than for specific categories, will not be permitted. The appellant accepts that these proposals do not accord with LP Policy EN1.
18. Drawing the above together, the proposals do not accord with the most important policies of the development plan and as such there is conflict with the development plan when read as a whole.

### Issue 2

#### 5-year Housing Land Supply

19. A 5-year housing land supply (HLS) has 2 elements, the requirement, and the supply. At the close of the inquiry, whilst the supply was agreed, the requirement and how to calculate it was not. The appellant's position is that the JCS Policy 4 requirement should be used, which then showed a 4.95-year supply. The lpa says that the requirement should be based on Local Housing Need (LHN) calculated by using the Standard Method (SM), which then showed a 13.6-year supply. The updated HLPS using the JCS Policy 4 requirement shows a 15.3-year supply of housing land or, based on LHN shows a 6.1-year supply.

20. Framework Paragraph 74 requires the lpa to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years' worth of housing against the housing requirement set out in adopted strategic policies, or against LHN where the strategic policies are more than 5 years old. Adopted in 2012, the plan is more than 5 years old and as such Footnote 39 is engaged, which says, *"...unless these strategic policies have been reviewed and found not to require updating"*. Paragraph 005 of the Housing Supply and Delivery chapter of Planning Practice Guidance<sup>1</sup> (PPG) reiterates the Framework Paragraph 74/Footnote 39 position adding *"...or the strategic housing policies have been reviewed within the last 5 years and found not to need updating"*. Where strategic policies are more than 5 years old or have been reviewed and found in need of updating, LHN calculated using the SM should be used in place of the strategic requirement.
21. Demonstrating a 5-year HLS is a key feature of national planning policy and the application of Framework paragraph 11 (d) in decision-making. Commonly referred to as the "tilted balance", paragraph 11 (d) says that where the most important policies for deciding a proposal are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. Framework Footnote 8 confirms that where a lpa cannot show a 5-year HLS, the most important policies will be considered out-of-date.
22. JCS Policy 4 lists the minimum housing requirement for Preston as 507 dwellings per annum (dpa). The balance of the policy deals with delivery performance and ensuring a continuous forward looking 5-year supply in locations that are in line with the spatial strategy.
23. In 2017, the JCS authorities, informed by a Strategic Housing Market Assessment, agreed a Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land (MOU 1). The purpose of MOU1 was to confirm an agreed approach to the distribution of housing prior to the adoption of a new plan. MOU1 set out that, (a) the JCS Policy 4 housing requirement did not need to be updated and should continue to be used until a replacement plan was adopted and (b) the MOU was to be reviewed no less than every 3 years and when new evidence renders it out-of-date.
24. Up until early 2020, to underpin decisions on housing applications, the lpa used the JCS Policy 4 requirement. On this basis a 5-year HLS could not be shown and JCS Policies 1 and 4 were considered out-of-date and the tilted balance was engaged. The lpa's approach changed following a December 2019 appeal decision<sup>2</sup> in South Ribble. There, the Inspector concluded that, (a) MOU1 was not a review for the purposes of the Framework and (b) the introduction of the SM to calculate LHN was a significant change which, justified its use to determine the housing requirement. Following this appeal decision, the lpa reconsidered the appellant's proposals and concluded that, (a) using the SM, a 5-year HLS existed, (b) the tilted balance was not engaged, and (c) there was conflict with an up-to-date development plan.

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<sup>1</sup> Paragraph 005 Reference ID: 68-005-20190722.

<sup>2</sup> APP/F2360/W/19/3234070 – Land to the South of Chain House Lane, Whitestake, Preston.

25. The above appeal decision was subject to a High Court Challenge and a judgement<sup>3</sup> by Mr Justice Dove (MJD) in August 2020. The judgement identified that, (a) the Inspector's reasoning that MOU1 was not a Review for the purposes of the Framework was inadequate and (b) a conclusion as to whether there had been a significant change following the introduction of the SM was a planning judgement reasonably open to her, albeit with the rider that *"...other conclusions might reasonably be reached by other Inspectors"*. Although they came to different conclusions on how to determine the requirement figure, this is, in my view, what the Inspectors in the Cardwell Farm<sup>4</sup> and the redetermined land South of Chain Lane appeal decisions did based on the evidence before them.
26. The parties agree that MOU1 is a Framework paragraph 74/Footnote 39 review. The appellant submits that neither Framework paragraph 74, Footnote 39, nor PPG advice<sup>5</sup> on what housing requirement should be used to calculate the supply, refer to significant change. Thus, having been reviewed in the last 5 years, the JCS Policy 4 requirement should be used until a new plan has been adopted. Simply put, the lpa's case is that the introduction of the SM and the implications for a housing requirement is a significant change. On this basis, it is appropriate to apply LHN to calculate the housing requirement for Preston.
27. The Cardwell Farm Inspector applied the JCS Policy 4 requirement, albeit at paragraph 33 of the decision letter (DL) said there may be a justification to revert to LHN but that a decision to depart from the outcome of a Framework paragraph 74/Footnote 39 review would need to be supported by a robust process. At DL 41, he concluded that Preston's decision to withdraw from a revised MOU<sup>6</sup> and revert to using LHN was not a Review. The Inspector in the redetermined land south of Chain House Lane decision concluded that it was appropriate to calculate the housing requirement against LHN using the SM. This conclusion was based on the difference between the LHN figure and JCS Policy 4 amounting to a significant change in circumstances. Both decisions are currently the subject of challenges.
28. The appellant's approach treats sections of the Framework and PPG as silos to be applied in isolation. However, Framework, paragraph 3, reminds the decision-maker that, *"the Framework should be read as a whole..."*. To my mind, that approach must also apply to PPG.
29. Framework paragraph 74 and PPG paragraph 005 do not refer to significant change. However, it strikes me that without applying a holistic approach to the Framework and PPG, MJD could not have concluded as he did at paragraph 45 of his judgement. Here, he concludes that he is, *"...satisfied that the conclusion reached ... that there had been a significant change pursuant to the PPG arising from the introduction of the standard method, was a planning judgement reasonably open to her based on a correct interpretation of the PPG..."* The PPG advice he refers to is that in the Plan-Making chapter. Moreover, PPG paragraph 062<sup>7</sup> notes, *"Where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then*

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<sup>3</sup> Wainhomes (North-West) Limited & Secretary of State for Housing Communities & Local Government & South Ribble Borough Council [2020] EWHC 2294 (Admin).

<sup>4</sup> APP/N2345/W/20/3258889.

<sup>5</sup> Reference ID: 68-005-20190722, Housing Supply and Delivery.

<sup>6</sup> MOU2 adopted in April 2020.

<sup>7</sup> Plan-Making Chapter.

*that plan will continue to constitute the up-to-date plan policies unless there have been significant changes as outlined below*". This appears to me to be a clear reference back to PPG paragraph 005. Thus, taking the Framework and PPG in the round, it is open to me to consider whether JCS Policy 4 is out-of-date based on whether circumstances have changed significantly.

30. JCS Policy 4 is based on a manual redistribution of the housing requirement set out in the Regional Strategy for the North West, adopted in 2008. The methodology was derived from the then extant Planning Policy Guidance Note 3 - Housing and demographic trends between 1998 and 2003. Whilst the age of the policy is not, on its own, indicative of it being out-of-date, the base evidence is and the methodology for calculating LHN has materially changed.
31. Whilst the above in themselves could be regarded as significant changes, what is important is the practical implication of the change. Here, using the SM to calculate LHN almost halves Preston's annual requirement. PPG<sup>8</sup> indicates that LHN will be considered to have changed significantly in a situation where the plan was adopted prior to the SM being implemented based on a number significantly below that generated by the SM. This reference is an example and not, in my view, meant to prevent the converse position being considered a significant change in circumstances.
32. Having regard to the totality of the evidence, including the decisions in the Cardwell Farm and land South of Chain House Lane cases, the difference between the housing requirement in JCS Policy 4 and that generated by the SM is a significant change that renders this policy out-of-date.
33. However, if the above analysis is wrong and the appellant's submissions regarding Framework paragraph 74 and Footnote 39 are correct, the appellant does not dispute that based on the updated HLPS there is now a deliverable 5-year HLS<sup>9</sup> irrespective of whether this is based on the requirement in JCS Policy 4 or LHN using the SM. Therefore, for reasons associated with the HLS, the tilted balance is not engaged.

#### Consistency with the Framework

34. There are other routes that can engage the tilted balance i.e., whether policies are out-of-date<sup>10</sup>. The parties agree this is a 3-stage approach. Stage 1 identify the most important policies. Stage 2 assess each of the policies applying the Framework to determine whether they are out-of-date. Stage 3 assess all the most important policies to reach a conclusion as to whether taken overall they could be concluded to be out-of-date. Before undertaking this assessment, it is necessary to look at the context of these policies.
35. The Framework provides the context for the JCS and indicates that the purpose of the planning system is to contribute to the achievement of sustainable development through 3 overarching, economic, social, and environmental objectives. These objectives are to be delivered through the preparation and implementation of development plans and the application of Framework policies. The foreword to the JCS sets out that it was prepared and adopted in

<sup>8</sup> Plan-Making, paragraph 062.

<sup>9</sup> See paragraph 8 above.

<sup>10</sup> Wavendon Properties Limited and Secretary of State of Housing Communities and Local Government and Milton Keynes Council [2019] EWHC1524 (Admin)



the context of the Framework to provide a single strategy for Central Lancashire.

#### JCS Policy 1

36. JCS 1 seeks to concentrate growth and investment according to a hierarchy of established settlements and strategic sites. JCS Policy 4 is out-of-date. However, like the Inspector in the land at Pear Tree Lane, Chorley decision<sup>11</sup> I agree the fact that JCS Policy 4 is out-of-date does not, on its own, mean that the spatial strategy for the location of housing is out-of-date. The JCS plan period is 2010 to 2026 and the plan-making authority is required to keep its plan(s) under review at least once every 5 years (Framework paragraph 33). This is in recognition that, amongst other things, the housing requirement might change. Thus, whilst the numbers might change that does not necessarily mean that the spatial strategy is out-of-date. This is particularly so as JCS Policy 1 is not a fully-fledged development management policy, in that it does not define settlement boundaries or limit development to sites within settlements.
37. It is submitted that if JCS Policy 1 and the spatial distribution associated with it, is not fit for purpose in one authority it would be out-of-date for all. The basis for this point is the apparent inability of Chorley to meet its LHN within JCS Policy 1. This submission is supported by reference to Chorley's contribution to the Issues and Options (I&O) Consultation Paper November 2019 for the emerging Central Lancashire Local Plan (CLLP). There, to meet the housing requirement, some 15% of the sites identified by Chorley relate to JCS Policy 1(f) sites, the bottom of the hierarchy. I cannot agree with the appellant that, proposals put forward by Chorley in the I&O paper, demonstrates that JCS Policy 1 is out-of-date. The I&O process forms the very early stages of the process to replace the plan and at this stage, there are a significant number of unknowns. These relate to, amongst other things, the shape of the spatial strategy and not least the extent of the housing requirement going forward. Thus, this early stage of the process cannot be used to retrofit a conclusion that the JCS spatial strategy is out-of-date.
38. Having reviewed all the evidence and submissions made regarding JCS Policy 1, the key question to ask is, does this policy constrain the ability of the lpa to deliver an adequate supply of housing such that further housing sites located at the lowest order settlements are required. The lpa can show a healthy HLS of some 15-years and in this context, JCS Policy 1 cannot be seen to be constraining the delivery of housing.
39. Drawing all this together, for the purpose of determining these appeals, JCS Policy 1 is not out-of-date or inconsistent with the Framework.

#### Local Plan Policy EN1

40. The development plan is to be read as a whole and LP Policy EN1 must be read with JCS Policy 1, LP Policies AD 1 a and b – Development within Villages and LP Policies HS4 and 5 - Rural Exception Housing. In this context it is clear to me that LP Policy EN1 is a spatial policy designed to deliver the spatial vision of the JCS to create sustainable patterns of development and minimise the scale development at lower order locations.

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<sup>11</sup> APP/D2320/W/20/3247136.

41. The submission that LP Policy EN1 is inconsistent with the Framework's approach to the protection afforded to the countryside relies on reading the policy and its supporting text in isolation. This approach leads to a conclusion, albeit a flawed conclusion, that the primary purpose of this policy is to protect the character and appearance of the countryside. I have no doubt that the appellant's conclusion was, in part, boosted by a similarly flawed approach and conclusion adopted by the planning officers in their reports to the Planning Committee. The report says that LP Policy EN1, "*... seeks to protect areas of open countryside from unacceptable development which would harm its open and rural character and limits development to...*". Moreover, this flawed understanding was carried forward at the inquiry under cross-examination during the site-specific session for the Swainson Farm cases.
42. Whilst the supporting text highlights the importance of protecting the open and rural character of the countryside, there is nothing in the policy that requires the decision-maker to undertake an assessment of the landscape and visual impact of a proposal and exercise a judgement as to the influence a development would have on the openness and/or rural character of an area. This is the approach that the Inspector in the Cardwell Farm decision took, where although LP Policy EN1 was referred to as a relevant policy, it did not feature in his assessment of the effect on character and appearance. Rather, when dealing with character and appearance, his consideration was limited to testing the proposal against JCS Policy 21. Indeed, there is as, far as I can see, no LP policy that deals with landscape and visual impact. These matters are covered by JCS Policies 13 and 21. Whilst it is axiomatic that a restriction on built development in the open countryside would protect openness and character, it is not, in my view, the primary purpose of LP Policy EN1. The purpose of the policy is to support the spatial strategy of the JCS in directing development to more sustainable higher order centres.
43. Again, a key question is, does this policy in combination with JCS Policy 1 constrain the ability of the lpa to deliver an adequate supply of housing. Given the lpa can demonstrate a healthy HLS of some 15-years, LP Policy EN1 in combination with JCS Policy 1 cannot be seen to be constraining the delivery of housing. On this basis, LP Policy EN1 is neither inconsistent with the Framework nor is it out-of-date.
44. Drawing all the above together, JCS Policies 1 and 4 and LP Policy EN1 are the most important policies for determining these appeals. Although, JCS Policy 4 is out-of-date, JCS Policy 1 and LP EN1 are not. Thus, taking the suite of policies in the round, I conclude that the most important policies are not out-of-date, and the tilted balance is not engaged.

### Issue 3

45. The essence of the lpa's case is that (a) the cumulative scale and speed of growth, would be inconsistent with the origins, and form of the village and (b) result in a ring of modern, "*...anyplace...*" estate development distinct from how the remainder of the village is appreciated preventing the historic, natural, and organic growth of the village from continuing. Thus, the relationship between the historic core and its rural surroundings would be lost. In relation to (a) above, residents expanded on this point to include the adverse impact of multiple construction sites over a potentially protracted build-out period.



46. The lpa does not suggest that either Appeal A or Appeal B would, in isolation, adversely affect the historic character of the village. However, the lpa go on to suggest that the cumulative impact of Sites A and B, the applications for which were submitted at different times, would be harmful to the character of the village. As to this latter point, in this case, the lpa's position defies logic given the lpa's acceptance<sup>12</sup> that had a single application been made for both sites, it would not have raised a concern on cumulative impact.
47. In terms of its origins, other than noting that Goosnargh dates from the 13th Century, when St Marys Church was built, the lpa says nothing more about the origins of Goosnargh and how this is reflected in how the village is seen today. In this context, I can see no linkage between the development of Sites A and B, or any of the other sites, that would compromise or detract from an appreciation of the origins of Goosnargh.
48. Historic development is shown through a series of Ordnance Survey maps dating from the 1840s to the present day. This suggests that between the establishment of the church and the 1840s, the pace of change was slow. That reflects the times and is not unique for most of the country, prior to and even during the Industrial Revolution. Now the scale of demand for development and the pace of change that requires, reflects current times when there is an acknowledged need to build significant numbers of houses.
49. The map series suggests that between 1846 and the 1930s other than the development of the County Lunatic Asylum, later renamed Whittingham Hospital, which was physically and visually separated from the village, the development and form of Goosnargh was dominated by linear development and the formation of a historic/civic hub and a commercial hub. The historic/civic hub is centred at the junction of Goosnargh Lane and Church Lane with the commercial hub centred at the junction of Whittingham Lane and Church Lane.
50. Post 1970, the form of the village began to change, with back-land development comprising, the substantial estate to the west of properties on Church Lane, (Beacon Drive) filling the area between Whittingham Lane and Goosnargh Lane, land to the rear of Holme Fell off Goosnargh Lane and land to the rear of The Stables off Whittingham Lane. Moreover, through recent planning permissions the village will also extend west and eastwards with development on land opposite Swainson Farm and at the junction of Cumeragh Lane and Carnforth Hall Lane.
51. A significant change in village form has been the closure of Whittingham Hospital and its ongoing redevelopment for housing. The Masterplan for the redevelopment envisages residential development between Henry Littler Way and existing development on the south side of Whittingham Lane. In this context, this site no longer represents an outlier to Goosnargh, but rather a significant element of and an extension to the village.
52. Given the above, the development of the sites A and B and the other Goosnargh appeal sites would continue the way Goosnargh has developed especially in recent years, which the lpa describes as, "...*natural and organic growth*...". As to historic form, notwithstanding the Beacon Drive and more recent back-land developments, those entering and leaving Goosnargh via Goosnargh Lane, Church Lane and Whittingham Lane would continue to read

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<sup>12</sup> X-Examination of Mr Blackburn

the village as a largely linear settlement. Given the degree of separation and the lack of any direct visual relationship between the appeal sites and the historic/civic hub at Goosnargh Lane/Church Lane, there would be no material direct or indirect effect on the historic form of the village. Moreover, given the Holme Fell development is located next to the school and church, the link between the historic core and its rural surroundings has already been compromised. Given the separation referred to above, none of the appeal sites would have a material effect on that relationship.

53. Given the separation between the sites and as none would be seen together either from within the sites or on the existing approaches to or routes through the village, the only way the developments could be appreciated as encircling the village would be on-plan. The lpa couple with this concern with a reference to “anywhere” style developments. Given these schemes are for outline permission with scale, appearance and layout reserved matters and the Framework/National Design Guide arms the lpa with the tools to achieve high quality development commensurate with the place, this accusation demonstrates a disappointing lack of confidence by the lpa in its development management abilities. The lpa submits that these developments would prevent smaller sites, with less impact coming forward. I cannot see how this is the case, if a small site is suitable for development, no rational reason has been provided to explain why it could or would not come forward for consideration on its individual merits.
54. As to the concerns highlighted by residents, with any form of development impacts are to be anticipated. What is important is that these would not be permanent and how issues are dealt with when they arise. Planning conditions relating to construction management are sought, which would give the lpa the ability to act.
55. Drawing all the above together, the development of sites A and B, individually, together or in combination with the other sites would not have an unacceptable cumulative impact on the character, form and historic associations of Goosnargh as a rural village.

#### Other Considerations

#### Landscape and Visual Impact

56. JCS Policy 13 seeks to ensure that development conserves and where possible enhances the character and quality of the landscape. JCS Policy 21 seeks to ensure that new development is, amongst other things, well integrated into existing settlement patterns. Sites A and B form part of an area identified in the JCS and LP as an Area of Separation (AoS) where the objective of development management is to prevent the merging of settlements and maintain local distinctiveness. Whilst Framework, paragraph 174, says that the intrinsic character and beauty of the countryside should be recognised, it does not seek to protect all countryside for its own sake from development; rather it concentrates on the protection of valued landscapes.
57. The lpa accepts that neither of the sites are distinctive in landscape terms or have any notable landscape value in terms of their character or appearance or that the development of either would affect important views in or out of the settlement to a level that would justify a reason for refusal. The lpa acknowledges that neither site falls to be considered as a valued landscape for the

purposes of the Framework. I acknowledge that residents, particularly those who back onto these sites, value them as part of the wider landscape to the south. However, with these sites, there is nothing either individually or together that would elevate them to a valued landscape.

58. Whilst all matters other than access are reserved, the Indicative Masterplan gives a steer to how the site could be developed to maintain boundary planting whilst adding substantial landscaping along the southern boundary of both sites. The combination of these features would result in a less harsh interface of the village with the countryside to the south and west. In this context, the effect of development would be localised and the magnitude of change to landscape character would be low. Their location, existing screening, and the potential for further reinforcement on the edges would mean that these sites would not be seen in the same view as any of the other appeal schemes. The lpa acknowledges that there would be no cumulative harm to landscape and visual amenity when considered in tandem with the other Goosnargh appeals. Drawing this together, these developments would not have a significant detrimental landscape and visual impact and would not conflict with the purposes of JCS Policies 13 and 21.
59. As to the AoS, the development of these sites individually or together would not result in the merging of Goosnargh with Grimsargh to the south-east and Broughton to the west. I have no reason to disagree with the lpa's conclusion that the remaining gap would maintain the effectiveness of the AoS and the identity and distinctiveness of the village.

#### Biodiversity

60. JCS Policies 18 and 22 and LP Policies EN 10 and 11 seek to protect, enhance, and manage biodiversity features. The applications were accompanied by an ecological assessment, which identifies these sites as having low ecological value. Key features of value are the boundary hedgerows, trees, ditches, and ponds. The ponds on the southern part of Site A, would be retained, improved, and managed for their biodiversity value in supporting a population of the Great Crested Newt (GCN). The lpa and its advisor, The Greater Manchester Ecology Unit, have, subject to the imposition of appropriate conditions, no objections to either scheme on biodiversity impact grounds. I have no reason to disagree with these conclusions. Suggested conditions include the submission of updated surveys in relation to bats and the GCN and a landscape and ecological management plan. With these in place, there would be opportunities for biodiversity gains. There would be no conflict with JCS Policies 18, 22 and LP Policies EN 10 and 11.

#### Neighbours' Living Conditions

61. JCS Policy 17 (d), seeks to ensure that new development provides a good standard of amenity for neighbours and future occupants. The lpa has no objections to either of these schemes in terms of an unacceptable impact on neighbours' living conditions. Vehicular access to both sites, would be from Whittingham Lane between Nos. 818 and 826 (Goosnargh Cottage) through its garden. The access details and the Indicative Masterplan shows a gap of some 10m between the road and the side elevation of No. 818, and a gap of some 20m to the front elevation of Goosnargh Cottage. Given the degree of separation and the boundary screening, particularly to No. 818, use of the

access would not unacceptably affect the living conditions of residents through noise and disturbance.

62. Site A is to the rear of Chingle Hall Cottage, a mature detached dwelling set in large grounds, Nos. 780 to 818, a row of mature semi-detached houses with long rear gardens and Goosnargh Cottage set in a large garden. Site B is to the rear of Goosnargh Methodist Church and Nos. 832 to 884 Whittingham Lane, 4 rows of terraced houses with rear gardens of varying length. The terrace to the east, is separated from the site by a rear service road. The indicative layouts for both schemes show dwellings set to the rear of these properties with sufficient separation to ensure there would be no loss of privacy through overlooking. Whilst Site B is, for the most part, at a higher level than the gardens of the houses on Whittingham Lane, the degree of separation would ensure there was no material loss of daylight or sunlight.
63. There would be no conflict with JCS Policy 17.

#### Highways

64. Neither the Ipa nor Lancashire County Council as the Highway Authority (HA) object to these, or any of the other schemes on traffic or highway safety grounds. Other than relying on Transport Assessments (TA) submitted with the various planning applications and joint written responses responding to matters raised by interested persons, the appellants in all the Goosnargh appeals did not present evidence on highway matters. Following an assessment of third-party representations, the Ipa sought further advice on cumulative impact from the HA and National Highways<sup>13</sup> (NH), the strategic highways authority.
65. LP Policy ST2 – General Transport Considerations seeks to ensure that development does not have an unacceptable impact on highway safety or the free flow of traffic on the highway network. Framework paragraph 110 (b) seeks to ensure safe and suitable access to a site can be achieved and paragraph 111 indicates that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
66. The applications relating to Sites A and B were accompanied by TAs (TA), (September 2018 & March 2019). Duplicate applications<sup>14</sup> were considered by the Ipa in March 2021 and these were accompanied by updated TAs. In addition to the impact of the solus impacts of Sites A and B, the TAs assessed cumulative impact in relation to committed developments.
67. Residents submit that the estimates of traffic generated by these developments is based on inappropriate TRICs data. Here, correspondence between the HA and the Ipa at the time of the applications suggests that the TAs were thoroughly scrutinised the HA. Thus, had the HA a concern about the robustness of the data this would have been raised. In my view, the submitted TAs are robust, proportionate and provide a sound basis on which to assess these developments.
68. Sites A and B would be served by the same T-junction access with Whittingham Lane. The access would be 5.5m wide with 2m wide footpaths across the site

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<sup>13</sup> Formerly Highways England.

<sup>14</sup> 06/2020/1302 & 06/2020/1303.

frontage with visibility splays of 2.4 by 43m either side of the junction. The proposed access would be opposite the access to a cul-de-sac serving several back-land dwellings and some 40m to the east Beacon Drive, which serves a large estate development. In terms of 2-way flows using the new junction, this is estimated for Site A as 32 vehicles in the AM peak and 31 in the PM peak: for Site B 41 vehicles in the AM peak and 39 in the PM peak. The combined flows would be 73 in the AM peak and 70 in the PM peak. These flows do not appear excessive nor, having regard to existing surveyed flows would they result in material increases outside the normal variation of daily traffic flows or result in a material change in traffic conditions. In these circumstances, I have no basis to conclude that there would be unacceptable conflict with traffic using existing junctions.

69. To the east, the footpath on the southern side of Whittingham Lane varies in width and it is narrow where it fronts Nos. 856 to 880. I can appreciate residents' concerns regarding increased pedestrian flows along this path and the implication for pedestrian safety. However, I am not aware of any incidents involving pedestrians using this footpath and whilst narrow in places, the footpath is wide enough allow a pedestrian to walk, albeit in single file, safely. The footpath on the northern side of Whittingham Lane is at least 2m wide and capable of accommodating the full range of pedestrian traffic.
70. NH is responsible for the strategic road network, which includes the M55 motorway and its slip roads with the A6. The HA is responsible for county roads, which includes the A6 roundabout with the M55. Whilst NH felt unable to respond on the highway impact of all or any combination of schemes on the strategic road network, the HA undertook a cumulative assessment, which post-dates the NH response. The HA concludes that the appeal schemes could be accommodated on the wider road network and do not object to this scheme or any of the appeals based on severe cumulative impacts on the A6/M55 roundabout.
71. Drawing the above together, safe, and adequate access to Sites A and B can be achieved. These schemes, either individually or together would not have an unacceptable impact on highway safety or the free flow of traffic on Whittingham Lane contrary to the objectives of the Framework or LP Policy ST2.

#### Heritage Assets

72. Dating from the mid to late 1800s, Goosnargh Cottage, a 2-storey sandstone dwelling, is included on the lpa's local list of non-designated heritage assets for its of historic and aesthetic significance. JCS Policy 16 and LP Policy EN8 seek to protect heritage assets and their setting. Framework paragraph 203 indicates that when assessing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset.
73. The schemes would not directly affect Goosnargh Cottage rather the impact would be indirect through using the side garden for the access. Given the degree of separation and the opportunity to screen the access, the lpa concludes that these developments would not materially affect the significance of this non-designated heritage asset contrary to the objectives of the development plan and the Framework. I have no reason to disagree with that



conclusion. There would be no conflict with the objectives of JCS Policy 16 and LP Policy EN8.

#### Locational Sustainability

74. Although the village does not contain a significant range of facilities, there is a primary school, a village hall, 2 public house/restaurants, 2 convenience stores, one of which includes a post office, a pharmacy, a hairdresser, and a hot food takeaway. These facilities would provide for the day-to-day needs of these developments. All these facilities are acknowledged by the lpa as being within walking and cycling distance of these sites.
75. Within a reasonable walk of the sites, there are bus-stops and there are 2 bus services linking the village to Preston city centre, Longridge, and Blackburn. There are 2 services per hour on weekdays and at the weekend providing access to the full range of services and employment. The journey to Preston is around 29 minutes, 14 minutes to the hospital and the journey to Longridge is around 19 minutes. The S106 Agreements provide for financial contributions for service enhancements increasing the opportunity for journeys other than by car. In this context, these sites are in a sustainable location, albeit at the bottom of the spatial hierarchy.

#### Flooding and Drainage

76. JCS Policy 29 seeks, amongst other things to reduce the risk of flooding. Both the Local Lead Flood Authority (LLFA) and United Utilities (UU), who has responsibility for the public sewer, have no objection to these developments subject to the imposition of relevant conditions. A key planning condition required by the LLFA is that no development would start until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been approved by the lpa. The proposed condition is comprehensive and the detail to be approved would include discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site and most importantly, that the scheme could demonstrate that surface water run-off would not exceed the pre-development greenfield run-off rate to ensure that there is no flood risk on or off the site from the development.
77. Given the age of the properties on Whittingham Lane, I suspect they are drained on a combined system. In my experience, sewer flooding is generally caused by surface water discharging into a combined system and its capacity being exceeded. This happens during and following extreme rainfall events causing the sewerage system to back-up. Unless backing-up of the sewer was the result of a blockage, I suspect, this is what has happened here.
78. Conditions sought by UU, who are responsible for the sewerage system, are that the developments would be drained on separate systems and that no development is started until a surface water drainage system based sustainable drainage principles (SuDs) has been agreed with the lpa. Key elements of a SuDs scheme are, that surface water discharge from the development does not directly or indirectly discharge into the public sewerage system and the peak flow and volume of run-off does not exceed existing flow rates.



79. Drawing the above together, subject to the imposition of appropriate conditions, there would be no conflict with the objectives of JCS Policy 29.

#### Benefits

80. These schemes would comply with the requirement of JCS Policy 7, which requires 35% AH in rural areas. The lpa accepts there is a, “...*clear and pressing need for more affordable housing*...”. However, the lpa submits that the weight to be attached to the provision of AH should be tempered because the scheme is market led with AH in the minority. In this context, the weight in the planning balance would be somewhere near significant.
81. Whilst recent permissions in and around Goosnargh provide for AH, the bulk of the provision will be on the Whittingham Hospital site and much of it is unlikely to be delivered before 2030. However, it is undisputed that there is a pressing need now, that need is on a city-wide basis, provision is largely driven by and relies on market housing and overall delivery of AH has fallen materially below that required. In these cases, I heard nothing to suggest that the delivery of these sites would be delayed. In this context, AH attracts substantial weight.
82. Given the thrust of national policy, the delivery of homes is a pressing national imperative. These proposals would provide up to 95 market homes, which in the context of the national objective of significantly boosting the supply of homes and assessed local housing need being a minimum figure not a cap<sup>15</sup>, is a clear benefit attracting substantial weight.
83. The lpa acknowledges that these schemes would provide economic benefits through, promoting economic growth, support for local services and stimulating the local construction industry. Both the lpa and the appellant agree that economic benefits attract moderate weight. I can understand why the lpa seeks to be cautious, particularly given the economic benefits are unquantified Framework paragraphs 81 and 84 indicate that significant weight should be placed on the need to support economic growth and supporting a prosperous rural economy through, amongst other things, contributing to the retention and development of accessible local services such as local shops and public houses. In this context, the economic benefits of these schemes attract significant weight.
84. Financial contributions to improve the bus service form part of the S106 Agreement and, by definition, are considered reasonable and necessary to make the development acceptable in planning terms<sup>16</sup> to mitigate the impact of additional demand on the service. That said, improvements to the frequency and quality of these services would benefit existing residents expanding the choice of transport modes, which attracts moderate weight.
85. On ecology and biodiversity, the lpa recognises that these proposals have the potential to result in net gain, which would attract limited weight. Whilst there is the potential for biodiversity gain, most of the indicative proposals are included to mitigate the impact of these developments on existing biodiversity. In this context, in terms of being a benefit, the potential for biodiversity net gain is neutral.

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<sup>15</sup> Framework paragraph 60 & 61.

<sup>16</sup> Framework paragraph 57.

86. Appeal B includes a car park for 12 cars behind the Trinity Methodist Church, which would be gifted to the church. Access to the car park would be from within the development and would be a material improvement over the access to the existing car park benefiting churchgoers and highway safety on Whittingham Lane. Both the lpa and appellant acknowledge that additional car parking would attract limited weight.
87. Preston along with South Ribble, Lancashire County Council and the Lancashire Enterprise Partnership are partners in the Preston, South Ribble and Lancashire City Deal with the Government as a mechanism to drive forward growth through addressing infrastructure barriers to housing and economic growth.
88. The City Deal was entered into after the JCS was adopted and before the adoption of the LP. It is not part of the development plan framework; it sits alongside it. As such, the City Deal is not planning policy, it does not contain a housing requirement nor is it a spatial policy. It recognises that the JCS provides the overarching development and planning framework and highlights the proportion of new homes allocated in the Preston and South Ribble areas.
89. The provision of high-quality housing in appropriate and sustainable locations underpins economic growth. However, the City Deal highlights that inadequacies in the highway network have prevented and would continue to prevent the delivery of homes and jobs. The City Deal commits the authorities to *"grant the necessary consents, in line with planning policy and commit to ensuring the delivery of the following housing units in the City Deal Area"*. This statement is followed by list of units to be delivered in the years 2014/15 to 2023/24 totalling some 17401 units<sup>17</sup>. To address the infrastructure issues to enable the full development of significant housing and commercial development schemes the City Deal commits to 4 new roads, a motorway junction, and the necessary local community infrastructure required to support the scale of development in the JCS and LP.
90. Against that background, of the 4 major road schemes, 2 are complete, the third, the Preston Western Distributor will open in 2023 and a planning application has been made for the forth, the South Ribble Western Distributor. However, the number of housing units delivered has not kept pace with the City Deal commitments. In the period 2014/2021 there has been a shortfall of some 2805 units, which by the end of the City Deal period, 2023/2024, it is forecast to rise to some 5487 units. I have no reason to disagree with the appellant's figures. The lpa acknowledges the shortfall in delivery against the City Deal and points to ongoing discussions to obtain a 5-year extension to the agreement. Thus, the commitments could be met, albeit over a longer period than envisaged in 2013. Moreover, an extension, which I have no evidence to indicate will not be approved would take the City Deal up to 2029 beyond the existing plan period and into the new plan where, the spatial strategy and housing requirement may be different.
91. Whilst the lpa acknowledge the shortfall, which on a bare reading of the figures, is substantial, the lpa submits that the commitment is, *"...grant the necessary consents..."*, and that the lpa is dependent on developers to make applications in locations consistent with the spatial strategy and build them.

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<sup>17</sup> This figure differs from the total contained in the appellant's Additional Joint Submissions Relating to the Updated HLPS. There appears to be an error in the figure for 2021/22. The appellant shows 2814, whereas the City Deal shows 2849.

Whilst that is true, the lpa's submission omits the remainder of the sentence, which goes on to say, "...and commit to ensuring delivery of the following housing units..." That is a bold commitment, which considering the lpa's submission, it acknowledges it cannot achieve. That said, the lpa has a healthy supply of housing land, the implementation of which would contribute to the achievement of the commitments made under the City Deal.

92. Drawing the above together, the City Deal is a material consideration to be weighed in the planning balance. The lpa in a Planning Committee report<sup>18</sup>, on an application for a significant number of houses on the rural fringe of Preston (Bartle) concluded there was a 13.6-year HLS and the proposal conflicted with JCS Policy 1 and LP Policy EN1. However, the report notes that the proposal, "...would support... the Council's commitments under City Deal.". In that case, although it clearly was a consideration, the lpa does not indicate the degree of weight it gave to this consideration. Given that the City Deal is not part of the spatial strategy and does not allocate land or identify a housing requirement and its term is likely to be extended, it attracts limited weight as a material consideration.

#### Issue 4

93. The planning acts require that an appeal is determined in accordance with the development plan unless material considerations indicate otherwise<sup>19</sup>. This is commonly referred to as the "flat balance". The Framework is a material consideration in planning decisions. Framework paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development. For decision-making, this requires that where the policies most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole; the "tilted balance".
94. In these cases, my assessment of the suite of the most important policies for determining these appeals, JCS Policies 1 and 4 and LP Policy EN1, is that whilst JCS Policy 4 is out-of-date, JCS Policy 1 and LP Policy EN1 are not. Thus, the development plan is up-to-date, and the "flat balance" applies.
95. The adverse impact of these developments is a fundamental conflict with the development plan spatial strategy for Central Lancashire. This strategy seeks to direct development to the most sustainable higher order centres and minimise development in the lower order centres such as Goosnargh. Whilst the spatial strategy recognises that some greenfield development will be required, this is caveated in that it would be on the fringe of main urban areas.
96. In terms of the other material considerations, the contribution to market and affordable housing attracts substantial weight and economic benefits attracts significant weight. The proposed financial contributions attract moderate weight. The proposed church car park and the implications for the City Deal attract limited weight. However, when balanced against the fundamental conflict with the spatial strategy and the very healthy supply of housing land, cumulatively they do not outweigh the conflict with JCS Policy 1 and LP EN1

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<sup>18</sup> 06/2020/0888

<sup>19</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

and the development plan taken as a whole. In coming to this conclusion, I have had regard to the contents of the S106 Agreements and the UU. However, as these appeals are being dismissed for other reasons, they are not matters that need to be considered further.

### **Overall Conclusion**

97. For the above reasons and taking all other matters into consideration, these appeals are dismissed.

*George Baird*

Inspector

## ANNEX A

### **FULL TEXT OF SECOND REASON FOR REFUSAL**

The cumulative impacts of the proposal and other proposals adjacent to Goosnargh, which are the subject of current planning applications/appeals, would result in a radical change to the character of the rural village. Not only would the scale of development proposed by the application proposal and other proposals collectively destroy its character as a rural settlement and its intimate relationship with the surrounding countryside, by surrounding the village on all sides with suburban new development, but they would also represent rapid and unsustainable unplanned growth, which would be inappropriate and contrary to the aims of Policy 1 of the Core Strategy and Policy EN1 of the Local Plan, which seek to limit development in such rural locations to small scale, infill development. The need to promote sustainable development, set out in paragraph 8 of the Framework, involves bringing forward land of the right type in the right place with accessible services. By virtue of the location of application proposal, and other proposals adjacent to Goosnargh, the proposed development would demonstrably fail to do this. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy, Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

## **ANNEX B**

### **APPEARANCES**

#### **FOR THE APPELLANT**

John Barratt of Counsel instructed by De Pol Chartered Town Planners.

He called:

Strategic Policy & Site Specifics

Alexis De Pol, BA (Hons) Dip TP MRTPI  
Director, De Pol Associates.

*Housing Land Supply & Cumulative Impact*

Paul Tucker QC and Gary Grant of Counsel

They called:

Ben Pycroft, BA (Hons) Dip TP MRTPI.  
Director, Emery Planning.

Gary Holliday, BA (Hons), MPhil.  
CMLI, Director, FPCR Environment and Design Ltd.

Rob Hindle, BSC (Hons), MRICS  
Executive Director, Rural Solutions Ltd.

*Affordable Housing*

Philip Robson of Counsel

He called:

James Stacey, BA (Hons) Dip TP MRTPI.  
Senior Director, Tetlow King Planning.

#### **FOR THE LOCAL PLANNING AUTHORITY**

Giles Cannock QC and Martin Carter of Counsel instructed by Preston City Council.

They called:

Christopher Blackburn BSc, MSc, MRTPI.  
Planning Policy Team Leader.

Michael Bullock BSc (Hons), PhD, MMRS, MCIH.  
Managing Director, ARC4 Limited.

#### **INTERESTED PERSONS**

Mr Ingham.  
Cllr. Woodburn.  
Cllr Clarke.



## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

Statement on Highways Cumulative Impact, Highways England.  
Statement on Highways Cumulative Impact, Highway Authority.  
Appellants' Response on Highways Cumulative Impact.  
Whittingham Hospital, Statement of Community Involvement.  
Whittingham Hospital Affordable Housing Delivery Note.  
Whittingham Hospital Affordable Housing Delivery Note, lpa response.  
Whittingham Hospital Affordable Housing Delivery Note, appellants' response to lpa note.  
Whittingham Hospital Affordable Housing Delivery Note, note by Mr Stacey.  
Appellants' Note on Third Party Highways Representations, April 2021.  
Cllr Woodburn, Response to Appellants' Highways Submissions April 2021.  
Email dated 21 April 2021 from Mrs Clarke re General Highway Matters.  
Representations by the Goosnargh & Whittingham Against Overdevelopment Group.  
Public Transport Contributions, LCC Advice Note.  
Cllr Woodburn, Cumulative Impact of Goosnargh Proposals.  
Representations by Mr Ingham.  
Representations by Mr Ingham on Housing & Population Numbers.  
Bartle Garden Village, Extract from Design & Access Statement.  
Land at Sandy Lane & Tabley Lane Planning Statement.  
Legal Submissions on behalf of the appellants.  
Letter dated 15 March 2021, re Hybrid planning application 06/2020/0888, Land west & east of Preston Western Distributor Road, Bartle.  
Plan showing North-West Preston Planning Approvals.  
Statement by Mrs Clarke.  
Appeal A, CIL Compliance Statement.  
Appeal B, CIL Compliance Statement.  
Appeal A, List of Suggested Conditions & Reasons.  
Appeal B, List of Suggested Conditions & Reasons.  
Appeal A, Certified Copy of S106 Agreement.  
Appeal B, Certified Copy of S106 Agreement.  
Appeal B, Certified Copy of S106 Unilateral Undertaking.

## **DOCUMENTS RECEIVED AFTER THE INQUIRY CLOSED**

Lpa comments dated 6 August 2021 on the Chain House Lane, Whitestake, Preston appeal decision (APP/F2360/W/19/3234070).  
Appellants' comments dated 4 August 2021 on the Chain House Lane, Whitestake, Preston appeal decision (APP/F2360/W/19/3234070).  
Preston City Council Housing Land Position Statement 31 March 2021.  
Lpa submissions on the Housing Land Position Statement dated 8 September 2021.  
Appellants' submissions on the Housing Land Position Statement dated 30 September 2021.