



## 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 for Communities and Local Government**

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

---

### **Appeal Site A: APP/N2345/W/20/3258896**

#### **Land at Swainson Farm, Goosnargh Lane, Goosnargh, Preston, 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 Mr M Wells against the decision of Preston City Council.
  - The application Ref 06/2019/0773, dated 19 June 2019, was refused by notice dated 6 March 2020.
  - The development proposed is residential development comprising up to 40 dwellings.
- 

### **Appeal Site B: APP/N2345/W/20/3258898**

#### **Land at Swainson Farm, Goosnargh Lane, Goosnargh, Preston, 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 Mr M Wells against the decision of Preston City Council.
  - The application Ref 06/2019/0772, dated 19 June 2019, was refused by notice dated 6 March 2020.
  - The development proposed is residential development comprising up to 87 dwellings.
- 

### **Preliminary Matters**

1. These applications, accompanied by illustrative Masterplans, were submitted in outline with all matters reserved except for access.
2. For both schemes, S106 Agreements were submitted providing for affordable housing (AH), open space and financial contributions for public transport improvements and additional Primary and Secondary School places.
3. These appeals were heard in conjunction with 5 others, 3258890, 3258894 and 3267524- land north and south of Whittingham Lane, 3258912 - land at Bushells Farm, and 3257357 - land to the North of Old Rib Farmhouse, Longridge. These appeals are the subject of separate decisions.
4. Apart from the Longridge (3257357) and land north of Whittingham Lane, (3267524) cases, the remaining cases (3258890; 3258894; 3258896; 3258898 & 3258912), share a reason for refusal (RfR), conflict with the development plan. The local planning authority's (lpa) Statement of Case for these appeals includes a reference to addressing the 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).
5. 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, the character of the landscape/visual impact or townscape character/visual amenity.

6. 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. The responses have been taken into consideration.

## **Decisions**

### **APPEAL A**

7. The appeal is allowed, and outline planning permission is granted for residential development comprising up to 40 dwellings on land at Swainson Farm, Goosnargh Lane, Goosnargh, Preston, Lancashire in accordance with the terms of the application, Ref 06/2019/0773, dated 19 June 2019, and the plans submitted with it, subject to the schedule of conditions attached at Annex C.

### **APPEAL B**

8. The appeal is dismissed.

## **Main Issues**

9. 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 or any other material consideration would justify allowing the appeals.

## **Reasons**

### Issue 1

10. 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.
11. 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.

12. 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.
13. 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.
14. JCS Policy 4 – Housing Delivery, is statement of the minimum annual requirement the JCS seeks to achieve.
15. These sites are in Open Countryside and LP Policy EN1 says that development, other than specific categories, will not be permitted. The appellant accepts that these proposals do not accord with LP Policy EN1.
16. 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

17. 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.
18. Framework Paragraph 74 requires the lpa to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5-year HLS 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*

---

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

- 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.
19. 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.
  20. 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 5-year supply in locations in line with the spatial strategy.
  21. 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.
  22. 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.
  23. 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 Framework Review 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 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,

---

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

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

what the Inspectors in the Cardwell Farm<sup>4</sup> and the redetermined land South of Chain Lane decisions did based on the evidence before them.

24. 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 Ipa'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.
25. 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 withdrawal from a revised MOU<sup>6</sup> and to 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.
26. 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.
27. 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 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 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.
28. JCS Policy 4 is based on a manual redistribution of the housing requirement set out in the 2008 Regional Strategy for the North West. The methodology used was derived from the then extant Planning Policy Guidance and

---

<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.

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.

29. 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 where the plan was adopted prior to the SM being implemented based on a housing requirement 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.
30. 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 JCS Policy 4 housing requirement and that generated by the SM is a significant change that renders this policy out-of-date.
31. 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

32. 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.
33. 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 the context of the Framework to provide a single strategy for Central Lancashire.

#### JCS Policy 1

34. JCS 1 seeks to concentrate growth and investment according to a hierarchy of established settlements and strategic sites. JCS Policy 4 is out of-of-date. However, like the Inspector in the land at Pear Tree Lane, Chorley decision<sup>11</sup>, I agree that the fact that JCS Policy 4 is out-of-date does not, on its own,

---

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

<sup>9</sup> See paragraph 6 above.

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

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

mean that the spatial strategy 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.

35. 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.
36. 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.
37. 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

38. 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, 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.
39. 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 these appeals.

40. 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
41. 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.
42. 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. Taking the suite of policies in the round, the most important policies are not out-of-date, and the tilted balance is not engaged.

### Issue 3

43. The lpa does not suggest that in isolation these schemes would adversely affect the historic character of the village. The essence of the lpa's case is that (a) the cumulative scale and speed of growth associated with all the Goosnargh schemes 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. As a result, 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.
44. In terms of its origins, other than commenting that Goosnargh dates from the 13<sup>th</sup> 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.
45. 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.
46. 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.
  47. 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.
  48. 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.
  49. Given the above, the development of Sites A and B and the other Goosnargh appeal sites would continue this process especially that experienced in recent years. As to an effect on 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 the village as a largely linear settlement. The redevelopment of Site A and the site opposite and the land north of Whittingham Lane would reflect the linear and outward forms of development, which the Ipa describes as the "*...natural and organic growth...*" of the village. The sites to the south of Whittingham Lane and the Bushells Farm development would be largely unseen and would have no material impact on how the settlement is interpreted. Given the degree of separation and the lack of any direct visual relationship between the various appeal sites and the historic/civic hub at Goosnargh Lane/Church Lane there would no material direct or indirect effect on the historic form of the village. Moreover, given the Holme Fell development is located next to the historic core, the link between the historic core and rural surroundings has already been compromised. Given the separation referred to above, none of the appeal sites would have any material effect on that relationship.
  50. 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 that is the case, if a small site is identified as being 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.

51. 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.
52. Drawing all the above together, the development of sites A and B, individually, together or in combination with the other 4 sites would not have an unacceptable cumulative impact on the form and historic associations of Goosnargh as a rural village.

#### Other Considerations

#### Landscape and Visual Impact

53. 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. Whilst Framework, paragraph 174, indicates that the intrinsic character and beauty of the countryside should be recognised, it does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes. Although the lpa does not suggest that these developments in isolation or in combination with other permitted and proposed developments would have an unacceptable landscape and visual impact, it is a concern of residents.
54. Site A is the existing farmstead and comprises the farmhouse and several buildings of varying quality and age formerly used for rearing poultry and ducks. The lpa accepts that Site B is not distinctive in landscape terms or has any notable landscape value in terms of its character or appearance or that the development would affect important views in or out of the settlement. The lpa acknowledges that Site B does not fall to be considered as a valued landscape for the purposes of the Framework. Whilst residents, particularly those who back onto Site B, value it as part of the wider landscape to the north, there is nothing in its character or appearance that would elevate Site B to a valued landscape.
55. With low deciduous hedges, sporadic hedgerow trees and limited screening on the western boundary, Site A, with its sprawl of poor-quality buildings is a prominent/dominant feature in the approach to the village along Goosnargh Lane and from the public footpath running along the western boundary. Two dwellings are under construction between Site A and Craig Niesh, construction is advanced on a residential scheme on land to the rear of Holme Fell and a

site directly opposite has permission for up to 26 dwellings. It is acknowledged that the 26-dwelling scheme will be implemented and as such it forms part of the baseline for assessing the impact of the scheme on character and appearance.

56. In the approach from the west, views of the large agricultural buildings would be replaced by new houses either side of the existing farmhouse and along Goosnargh Lane. These dwellings would be read with the permitted development on the opposite side of the road. In the approach from the village, the development would be read as an extension to the existing and proposed houses on Goosnargh Lane. The existing agricultural buildings are of a scale and type that is not unusual in a rural area and in their time necessary for the farm operation. However, given their scale, extent and condition, they have a major negative visual effect on the area, and their replacement with smaller scale dwellings in a landscaped setting would result in a positive improvement to the village approach. In the approach to and from the village, views of Site B would be screened either by existing houses or the redevelopment of Site A. In these views, Sites A and B would be a relatively modest additional urban element in the wider landscape, which overall, when boundary landscaping matures, would have neutral landscape and visual impacts.
57. Site B would replace an existing agricultural field with development, with an inevitable change in its character. When viewed from points on the public footpath to the north, the impact of either development in isolation or together would be largely mitigated by distance and existing and proposed boundary landscaping, particularly along the northern and eastern boundaries. The opportunity to view either of these developments in the same view as the Holme Fell development would be limited. Again, any cumulative impact on landscape character and visual amenity would be limited with the overall effect being neutral.
58. These developments would not have a material landscape and visual impact and would not conflict with JCS Policies 13 and 21.

#### Biodiversity

59. JCS Policies 18, 22 and LP Policies EN 10 and 11 seek to protect, enhance, and manage biodiversity features. Both applications were accompanied by Preliminary Ecological Appraisals assessed for the lpa by The Greater Manchester Ecology Unit (GMEU). Site A is dominated by buildings and hardstanding that have been assessed as being generally unsuitable as roosting locations for bats. Site B is mostly used for arable cropping and has areas of improved grassland of low ecological value. The boundaries of the site, particularly the northern boundary along the watercourse, are dominated by tree and hedgerows of varying types and quality. These features are assessed as being of local nature conservation value and would be retained and strengthened. Any habitat loss would be largely confined to the low value agricultural land.
60. The ecological assessment identifies that several trees and associated hedgerows are suitable habitats for bats and breeding birds. Ponds outside the site have been identified as habitats suitable for Great Crested Newts (GCN). Whilst the northern hedgerow and watercourse could provide refuge and habitat for the GCN, the use of Site B for foraging is considered unlikely

and the potential risk to the GCN is low/remote. That said, should development be permitted, temporary exclusion measures are recommended by the ecological assessment as a precautionary measure.

61. The lpa and GMEU, have, subject to the imposition of appropriate conditions, no objections to these proposals in relation to their impact on biodiversity. I have no reason to disagree with these conclusions. Suggested conditions include the submission of updated surveys in relation to bats and great crested newts and a landscape and ecological management plan. With these in place, and, along with the development of private gardens there would be opportunities for biodiversity gains. The proposals would not conflict with the Framework or JCS Policies 18, 22 and LP Policies EN 10 and 11

#### Overlooking

62. A substantial part of Site B backs onto dwellings on Goosnargh Lane. These dwellings have deep rear gardens, and the layout could be designed to ensure there would be adequate separation between the existing and proposed dwellings. There would be no loss of privacy through overlooking.

#### Employment Land

63. Conflict is alleged with JCS Policy 10 and LP Policy EP2 that relate to the protection of Existing Employment Areas. The scope of these policies and the types of employment land they seek to protect is defined in the Re-Use of Employment Premises Supplementary Planning Document. The list of uses does not include the agricultural activity formerly carried out at Swainson Farm. As such the redevelopment of Site A would not conflict with the objectives of development plan policy.

#### Highways

64. Neither the lpa 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 lpa sought further advice on cumulative impact from the HA and National Highways<sup>12</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. Residents submit that the estimates of traffic generated by these schemes is based on inappropriate TRICs data. Here, correspondence between the HA and the lpa at the time of the applications suggests that the TAs were thoroughly scrutinised by the HA. Thus, had the HA a concern about the

---

<sup>12</sup> Formerly Highways England.

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.

67. Sites A and B would be served by a T-junction access with Goosnargh Lane. The access, which would include traffic calming features, would be 5.5m wide with visibility splays of 2.4 by 97m to the west and 108m to the east. There are no existing footpaths fronting the site and a 2m path to the east to connect to the footpath in front of existing dwellings and a footpath to the west to link to the public footpath is proposed. Off-site proposals include extending the village speed limit to the west and introducing speed reduction features to the east and west of the access.
68. Estimated 2-way flows using the new junction, for Site A are 24 vehicles in the AM peak and 27 in the PM peak; for Site B the estimated flows are 51 in the AM peak and 59 in the PM peak. The combined flows would be 75 in the AM peak and 86 in the PM peak. In my experience, 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. Accordingly, I have no basis to conclude that there would be unacceptable conflict with traffic using Goosnargh Lane.
69. One concern raised is the width of Goosnargh Lane to the west of the site and the ability of vehicles to pass safely and conveniently. I travelled on the roads into and out of Goosnargh several times and the condition of the verges did not suggest there was a sustained problem of vehicle conflict. As to Goosnargh Lane to the west, no photographs of actual examples of conflict were provided. Rather, 2 separate photographs were submitted showing a bus and a car.
70. The first photograph shows a bus travelling from the west. However, the distance from the photographer and the alignment of the road are such that it is impossible to judge how much of the oncoming carriageway the bus is occupying or whether it would be impossible for another vehicle to pass. The second photograph shows a car negotiating a shallow bend. The intention of this photograph is to suggest that larger vehicles coming the other way could not pass safely. In my view, it shows nothing of the sort, rather the vehicle is driving on the white line with more than enough space for it to safely move to the left to allow an oncoming vehicle to pass. Given the nature of the road, whilst a confident driver might slow down and a less confident driver might stop, the question is, "so what"; this is a situation that occurs daily across a variety of urban and rural roads and is not inherently dangerous nor does it justify dismissing these appeals. Moreover, there is no indication that the width or alignment of Goosnargh Lane has been a determining factor in any accident.
71. 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.

72. Drawing the above together, safe and adequate access to Sites A and B can be achieved. These schemes either individually or together with others would not have an unacceptable impact on highway safety or the free flow of traffic contrary to the objectives of the Framework or LP Policy ST2.

#### Locational Sustainability

73. 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 would provide for the day-to-day needs of these developments. All these facilities are accepted by the lpa as being within easy walking and cycling distance of these sites.
74. Within a reasonable walk of the sites, there are bus-stops and there are 2 bus services that link 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

75. JCS Policy 29 seeks, amongst other things, to reduce the risk of flooding. The site and surrounding land are located within Flood Zone 1, an area of low flood risk. A Flood Risk Assessment (FRA) came with the application and the Local Lead Flood Authority (LLFA), subject to conditions, does not object to these developments. That said, residents have referred to flood events in nearby gardens and on Goosnargh Lane.
76. The northern boundary of these sites includes a watercourse that appears to flow east to west. The FRA indicates that the primary flood risk at these developments would be from the watercourse, surface water routes and an increase in surface water flows from the development. The FRA flood maps, depending on the probability of the event, identify areas of potential flooding along the northern boundary adjacent to the water course, low lying areas within the site and the front and rear gardens of some properties on Goosnargh Lane. The FRA indicates that low lying areas within the sites would be engineered out during construction.
77. Here, the key condition required by the LLFA is that no development would start until details of the design and implementation of an appropriate surface water sustainable drainage scheme had been approved. The proposed condition is comprehensive, and the detail required includes discharge rates and volumes, temporary storage facilities, the methods employed to delay and control surface water discharged from the site and most importantly, that the scheme should demonstrate that the surface water run-off would not exceed the pre-development greenfield run-off rate. It is not the appellant's responsibility to improve the existing drainage situation rather it is to ensure

that the status-quo, in terms of surface water drainage, is maintained to ensure that there is no flood risk on or off the site from the development. That said, given that low lying areas within the site would be removed during construction and discharges would be directed to the watercourse, there is the potential that existing flooding at adjoining properties would be mitigated.

78. Reference is also made to inadequate sewer capacity and overflowing sewers at time of heavy rain. Given the age of the properties on Goosnargh Lane, they may be drained on a combined system. Sewer flooding is generally caused by surface water discharging into a combined system and its capacity is exceeded. This can happen during and following extreme rainfall events causing the sewerage system to back-up. From the evidence, this is what appears to be happening here.
79. Conditions sought by United Utilities, 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 on sustainable drainage principles has been agreed with the lpa. A key element is that surface water discharge from the development does not directly or indirectly discharge into the public sewerage system.
80. Taking all these together, the risk of surface water flooding presented would be low to medium, which could be engineered out through removing low spots, careful attention to the detailed layout and the development of an appropriate drainage system to manage flows from the site. There would be no conflict with the objectives of JCS Policy 29.

#### Benefits

81. These schemes would comply with the requirement of JCS Policy 7, which requires 35% affordable housing (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 its provision 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.
82. Whilst recent permissions in and around Goosnargh provide for AH, the bulk 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 resulting in the early provision of AH. In this context, AH attracts substantial weight.
83. Given the thrust of national policy, the delivery of homes is a pressing national imperative. These proposals would provide up to 90 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>13</sup>, is a clear benefit attracting substantial weight.
84. The lpa acknowledges that these schemes would provide economic benefits by, promoting economic growth, supporting local services, and stimulating the local construction industry. Both the lpa and the appellant agree that

---

<sup>13</sup> Framework paragraphs 60 & 61.

economic benefits attract moderate weight. I can understand why the parties are cautious, 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.

85. Financial contributions to improve the bus services form part of the S106 Agreements and, by definition, are considered reasonable and necessary to make the development acceptable in planning terms<sup>14</sup> to mitigate the impact of additional demands on the services. 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.
86. On biodiversity, the lpa recognises that these proposals have the potential to result in net gain, attracting 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.
87. Whilst the removal of the poultry and feather operations could have a beneficial impact for neighbours, I have no evidence that these former operations resulted in complaint. This matter attracts only limited weight.
88. In relation to Appeal A, given the poor quality of the existing buildings and the major adverse impact these have on the appearance of the bridleway and one of the main approaches to the village, the resultant visual improvements attract substantial weight.
89. 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.
90. 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.
91. 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>15</sup>. To address the

---

<sup>14</sup> Framework paragraph 56.

<sup>15</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.



infrastructure issues and 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.

92. 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 fourth, 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, 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.
93. 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. 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.
94. 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>16</sup>, on an application for a significant number of houses on the rural fringe of Preston (Bartle) concluded that 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

95. The planning acts require that an appeal is determined in accordance with the development plan unless material considerations indicate otherwise<sup>17</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

---

<sup>16</sup> 06/2020/0888

<sup>17</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

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”.

96. 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.
97. In coming to my conclusions on these appeals, I have had full regard to the written evidence and that given by the lpa’s planning witness under cross-examination, particularly the concessions made in relation to the purpose and objectives of JCS Policy 1 and LP Policy EN1. Whilst the lpa fairly acknowledged these concessions, my assessment of the nature of the policies is set out above. I do not agree with the concessions made by the lpa’s witness in relation to JCS Policy 1 and LP Policy EN1 and cannot support them.
98. 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.
99. For Appeal A, the substantial weight afforded to the material visual improvement to the approach to the village, and the provision of the market and affordable housing, the significant weight attached to the economic benefits, the moderate weight attached to the public transport contributions and the limited weight attached to the contribution the City Deal combine to clearly outweigh the conflict with the development plan when read as a whole. In coming to this conclusion, I have had regard to the S106 submitted in relation to Appeal A and consider its provisions are material and accord with the objectives of the Framework and CIL regulations.
100. For Appeal B, given the position of the site to the rear of existing properties and the screening effect of the development of Site A, the benefits associated with the visual improvement to the village approach are not engaged. When the remaining benefits are 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 and the development plan taken as a whole. I have had regard to contents of the S106 Agreement. However, as this appeal is being dismissed for other reasons, they are not matters that need to be considered further.

## **Overall Conclusions**

### **APPEAL A**

101. For the above reasons and taking all other matters into consideration Appeal A is allowed.

Conditions<sup>18</sup>

---

<sup>18</sup> The numbers in brackets refer to the conditions in the attached Schedule of Conditions.

102. In addition to the outline conditions requiring the submission of the reserved matters, (1, 2 & 3), the parties agreed a suite of conditions including several pre-commencement conditions (12–18).
103. In the interests of certainty and to define the permission a condition specifying the extent of the site and the access arrangements is reasonable and necessary (4.). Having regard to The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the status of the Masterplan, a condition requiring the submission of circulation routes within the site is necessary (5). Given the previous use of the site as an intensive livestock agricultural operation, if contamination is found during construction, a condition requiring the submission of details and implementation of remediation measures is reasonable and necessary.
104. In the interests of the appearance of the area and the prevention of flooding, pre-commencement and post-occupation conditions are reasonable and necessary (6, 7, 11, 17, & 21). Conditions are necessary in the interests of obtaining biodiversity gains (9, 10, 16, 22 & 23). To ensure the appropriate provision of waste and recycling facilities, a condition is reasonable and necessary (8). Conditions are necessary in the interests of highway safety and protecting living conditions (13, 14, 18 & 20). Conditions are necessary and reasonable to enable the development to achieve reductions in carbon emissions in line with local and national policy (12 & 19). A condition is necessary to promote and improve local skills and economic inclusion in line with the objectives of JCS Policy (15). Where necessary in the interests of precision and enforceability I have reworded some of the conditions.

### **APPEAL B**

105. For the above reasons and having taken all other matters into consideration, Appeal B is dismissed.

*George Baird*

Inspector

## **ANNEX A**

### FULL TEXT OF SECOND REASON FOR REFUSAL

APP/N2345/W/203258890 & 3258894.

APP/N2345/W/20/3258896 and 3258898.

APP/N2345/W/20/3258912.

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**

Sarah Reid and Piers Riley-Smith of Counsel instructed by Emery Planning.

They called:

Helen Leggett, BSc, MSc, MRTPI.  
Associate Director, Emery Planning.

#### *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 Limited.

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

#### *Strategic Policy*

John Barratt of Counsel.

He called:

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

#### *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:

James Mercer MPlan, MRTPI.  
Principal Planning Officer, Development Management.

*Housing Land Supply, Strategic Policy & Cumulative Impact*

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

*Affordable Housing*

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

**INTERESTED PERSONS**

Mr Ingham  
Mr Hargreaves.  
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.  
Appeal A CIL Compliance Statement.  
Appeal B CIL Compliance Statement.  
Appeal A List of Suggested Conditions & Reasons.  
Appeal D List of Suggested Conditions & Reasons.  
Representations by Mr Cox.  
Appellant's Response to Further Representations by Mr Cox.  
Representations on behalf of the Goosnargh & Whittingham Against Overdevelopment Group.  
Representations by Mr Cox on Appellants' Highways Note.  
Appeal A Certified Copy of S106 Agreement.

Appeal D Certified Copy of S106 Agreement.

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' joint 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' joint submissions on the Housing Land Position Statement dated 30 September 2021.

Appellant's additional submissions on the Housing Land Position Statement dated 30 September 2021.

## ANNEX C

### APPEAL A - APP/N2345/W/20/3258896 - SCHEDULE OF CONDITIONS

1. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
2. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. The approved landscaping details shall be carried out before any of the buildings are occupied or at such time as the approved details may provide.
4. The development shall be limited to no more than 40 residential units and shall be carried out in accordance with the following plans:  
1906GMW/SHFG/LP01 Rev. A – Location Plan; and J1062 Rev. C – Proposed Site Access Plan.
5. Any application for approval of reserved matters shall include full details of the circulation routes within the site.
6. Notwithstanding any such detail shown on the previously submitted plan(s), any application for approval of reserved matters for layout, scale and/or appearance shall be accompanied by full details of existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site). Development shall be carried out in accordance with the approved details.
7. Any application for approval of reserved matters for layout, scale and/or appearance shall include details of all the means of enclosure to be provided on the site. Thereafter, the means of enclosure shall be provided in accordance with the approved details before the development hereby permitted is brought into use and shall be retained thereafter.
8. Any submission for the approval of one or more reserved shall include a waste management plan showing full details of the means of storage of refuse and recycling and arrangements for the disposal of such to be approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and implemented prior to first occupation.
9. Any submission for the approval of one or more reserved matters shall include a Landscape and Ecological Management Plan (LEMP) to be approved in writing by the local planning authority. The content of the LEMP shall include the following:
  - a) description and evaluation of features to be managed,
  - b) ecological trends and constraints on site that might influence management,



- c) aims and objectives of management,
- d) appropriate management options for achieving aims and objectives,
- e) prescriptions for management actions,
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period),
- g) Details of the body or organisation responsible for implementation of the plan,
- h) Details of biodiversity enhancement measures,
- i) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

10. Any submission for the approval of one or more reserved matters shall include an updated bat survey to demonstrate that all the trees and any buildings on the site have been re-surveyed for the presence of bats/bat roosts and a mitigation report produced if required. Any mitigation measures subsequently identified within the application site shall be implemented in accordance with the findings of the mitigation report prior to first occupation of the development hereby approved.
11. Any submission for the approval of landscaping shall include a plan outlining protection measures for any trees to be retained on the site. The approved protection measures shall be implemented and retained during building operations and furthermore, no excavation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees.

#### Pre-commencement conditions

12. Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the local planning authority to demonstrate that all dwellings shall achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations. The development shall thereafter be carried out in accordance with the approved scheme.
13. Prior to the commencement of development, other than site enabling works, an Estate Street Phasing and Completion Plan shall have been first submitted to, and approved in writing by, the local planning authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has/have been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

14. Prior to the commencement of development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall provide for:

- (i) the means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) storage, disposal and removal of spoil and waste, and any asbestos, arising out of the construction works,
- (v) hours of working and access,
- (vi) site security arrangements, including hoardings and other means of enclosure,
- (vii) piling methods, if used,
- (viii) wheel cleaning facilities,
- (ix) measures to control the emission of dust and dirt during construction,
- (x) measures to control the emission of noise.

The approved CEMP shall be adhered to throughout the construction phase of the development.

15. Prior to the commencement of development hereby approved, an Employment and Skills Plan that is tailored to the development and will set out the employment and skills training opportunities for the construction phase of the development, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved Employment and Skills Plan.

16. Prior to the commencement of the development hereby approved, measures to protect amphibians from being trapped in open excavations or harmed during construction works shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented prior to construction activity commencing on-site and retained for the duration of the construction phase.

17. Prior to the commencement of the development hereby approved, final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. Those details shall include:

- a) final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels. Surface water longitudinal section drawings, cross section drawings of flow control manholes & swales and watercourse outfall drawings are also required. All drainage plans should clearly show the hydrobrake manhole and the discharge rate,
- b) final culvert diversion layout and longitudinal section plans appropriately labelled to include all pipe/structure references, dimensions, design levels in AOD with adjacent ground levels. Existing connections to culvert

- to be diverted into new culvert. A CCTV survey of existing culvert is also required,
- c) the drainage scheme should demonstrate that the surface water run-off and volume shall not exceed 70% of the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed,
  - d) sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change) with allowance for urban creep,
  - e) plan identifying areas contributing to the drainage network,
  - f) measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses,
  - g) a plan to show overland flow routes and flood water exceedance routes and flood extents,
  - h) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates, and
  - i) details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

18. Prior to the commencement of the development hereby approved, a scheme detailing the proposed access construction and subsequent off-site highway works shall be submitted to and approved in writing by the local planning authority. The highway junction scheme shall include the provision of a junction table at the new access, the relocation of the 20-mph speed limit (with gateway treatment and extension of street lighting) to the west of the site access, a continuous 2m footway across the site frontage from the existing farm access road (PROW BW 24) to that existing fronting "End House" to the east, the relocation and upgrade of 2 bus stops close to the site (to full mobility standard with shelter). The scheme shall be constructed and completed prior to the first occupation of any dwelling.

#### Pre-occupation conditions

19. Prior to its occupation, each dwelling shall be provided with an electric vehicle charging point in accordance with details that have been submitted to, and approved in writing by, the local planning authority. The electric vehicle charging points shall be retained for that purpose thereafter.
20. Prior to the first occupation of any part of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved

management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

21. Foul and surface water shall be drained on separate systems.
22. There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections that have first been submitted to and approved in writing by the local planning authority.
23. The development hereby approved shall be carried out in accordance with the recommendations of the submitted "Preliminary Ecology Appraisal" dated April 2019. The precautionary measures identified shall be implemented before any development commences on site and retained until completion.
24. If during site preparation or development works, contamination is encountered, a scheme for detailed investigation, risk assessment, remediation and verification shall be submitted to and approved in writing by the local planning authority prior to all but urgent remediation works necessary to secure the area. The remediation scheme shall thereafter be carried out in accordance with the approved details.