



Appeal Decision

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: 3rd February 2022

Appeal Ref: APP/N2345/W/20/3267524

Land at Whittingham Lane, Goosnargh, Lancashire PR3 2AY

- 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 Gladman Developments Limited against the decision of Preston City Council.
 - The application Ref 06/2020/1136, dated 15 October 2020, was refused by notice dated 12 January 2021.
 - The development proposed is for the erection of up to 145 dwellings with public open space, landscaping and a sustainable drainage system (SuDS) and a vehicular access point from Whittingham Lane.
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Preliminary Matters

1. Accompanied by an illustrative Development Framework Plan the application was submitted in outline with all matters other than access reserved. A S106 Agreement was submitted providing for affordable housing (AH), open space and financial contributions for public transport improvements and additional Primary School places.
2. The lpa's slated site-specific planning witness, Mr Mercer, was unable to attend the inquiry session devoted to the site specific matters and his proof of evidence was adopted by a substitute witness, Mr Blackburn.
3. This appeal was heard in conjunction with 6 others, 3258890 and 3258894 – land south of Whittingham Lane, 3258896 and 3258898 - land at Swainson Farm, 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. At the Case Management Conference (CMC), the lpa confirmed that concerns regarding cumulative impact relate 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.
5. 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.

Decision

6. The appeal is dismissed.

Main Issues

7. 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

8. 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.
9. 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.
10. 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.
11. 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 is this scheme is 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. This proposal conflicts with JCS Policy 1.
12. JCS Policy 4 lists the minimum housing requirement for Preston as 507 dwellings per annum (dpa).

13. The site is in open countryside and LP Policy EN1 says that development, other than for specific categories, will not be permitted. The appellant accepts that this proposal does not accord with LP Policy EN1.
14. Drawing the above together, the proposal does 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

15. 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.
16. 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 applies. This 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 Guidance¹ (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.
17. 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.
18. JCS Policy 4 – Housing Delivery, is statement of the minimum annual requirement the JCS seeks to achieve.
19. 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

¹ Housing Supply & Delivery, Paragraph 005 Reference ID: 68-005-20190722.

- 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.
20. 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 decision² 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.
21. The above appeal decision was subject to a High Court Challenge and a judgement³ 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 Farm⁴ and the redetermined land South of Chain Lane⁵ appeal decisions did based on the evidence before them.
22. The parties agree that MOU1 is a Framework paragraph 74/Footnote 39 review. The appellant submits that neither Framework paragraph 74, Footnote 39, and PPG⁶ 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 the housing requirement is a significant change. On this basis, it is appropriate to apply LHN to calculate the housing requirement for Preston.
23. 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 MOU⁷ and to revert to using LHN did not constitute a Framework 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.

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

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

⁴ APP/N2345/W/20/3258889.

⁵ APP/F2360/W/19/3234070.

⁶ Reference ID: 68-005-20190722.

⁷ MOU2 adopted in April 2020.

24. 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.
25. 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 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 and as such he is applying the holistic approach to published guidance. Moreover, PPG paragraph 062⁸ 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 005⁹. 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.
26. 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 used 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.
27. 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. PPG¹⁰ 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.
28. 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.
29. 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 HLS¹¹ 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.

⁸ Plan-Making Chapter.

⁹ Housing Supply and Delivery Chapter.

¹⁰ Plan-Making, paragraph 062.

¹¹ See paragraph 5 above.

Consistency with the Framework

30. There are other routes that can engage the tilted balance i.e., whether policies are out-of-date¹². The parties agree this is a 3-stage approach. Stage 1 is the identification of the most important policies. Stage 2 is to assess each of the policies applying the Framework to determine whether they are out-of-date. Stage, 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.
31. The Framework provides the context for the JCS indicating 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, single strategy for Central Lancashire.

JCS Policy 1

32. 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 decision¹³ 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.
33. 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 the scope of 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 replacement plan for which 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.

¹² Wavendon Properties Limited and Secretary of State of Housing Communities and Local Government and Milton Keynes Council [2019] EWHC1524 (Admin)

¹³ APP/D2320/W/20/3247136.

34. 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.
35. 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

36. 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.
37. 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 the various 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.
38. 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 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.
39. 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.

40. Drawing all the above together, JCS Policies 1 and 4 and LP Policy EN1 are agreed as 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

41. The lpa does not suggest that in isolation this scheme 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, 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, which would prevent 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.
42. In terms of its origins, other than commenting 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 this site or any of the other sites that would compromise or detract from an appreciation of the origins of Goosnargh.
43. 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 was 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.
44. 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.
45. 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.
46. A significant change has been the closure of Whittingham Hospital and its redevelopment as a substantial residential area. 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 off and an extension to the village.

47. Given the above, the development of the land to the north of Whittingham Lane 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. Albeit filtered by existing planting and proposed boundary landscaping, there would be limited visibility of the development from Goosnargh Lane and Whittingham Lane. Similarly, on both these approaches there would be limited cumulative views of the development with the approved scheme south of Goosnargh Lane and the Swainson Farm Appeal A scheme. In my assessment, there would be no combined views of the development with the proposed developments south of Whittingham Lane and Bushells Farm.
48. This development would reflect both the linear and outward forms of development, which the lpa describes as “...*natural and organic growth*...”. Given the degree of separation and the limited or complete lack of any direct visual relationship between the appeal sites¹⁴, the other sites¹⁵ 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 i.e., the school and church, the link between the historic core and rural surroundings has already been compromised. Given the separation referred to above, none of the appeal site would have any material effect on that relationship.
49. 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 this concern with a reference to “*anywhere*” style developments. Given these schemes are for outline permission with scale, appearance and layout reserved matters, the Framework/National Design Guide arms the lpa with the tools to achieve high quality development commensurate with the place. This submission suggests a disappointing lack of confidence by the lpa in its development management abilities. In addition, the lpa submit that these developments would in the future 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.
50. 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.

¹⁴ For these purposes, the sites to the south of Whittingham Lane and the 2 Swainson Farm sites are treated as 2 sites

¹⁵ Bushells Farm and Land south of Whittingham Lane.

51. Drawing all the above together, the development of this site 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

52. 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. The site forms 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, 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 this development 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.
53. The site is on the edge of the village and development would change the character of the site from open lowland agricultural land to urban residential development. However, the site is not distinctive in landscape terms nor has it any notable landscape value. The development would not affect important views in or out of the settlement. I acknowledge that residents, particularly those who adjoin the site value it as part of the wider landscape to the west. However, the lpa acknowledges that there is nothing in terms of its character or appearance that would elevate the site to a valued landscape site for the purposes of the Framework.
54. The landscape to the west is characterised by a patchwork of fields bounded by mainly deciduous hedgerows and hedgerow trees. To the north, east and south the site is contained by built development. Public views of the site and the built-up area are highly constrained and localised. In the approach from the west along Whittingham Lane, the landscape and visual impact of the Beacon Estate is also highly localised. Views from Goosnargh Lane also limited by existing hedgerows and trees. Overall, the landscape is of medium quality and has a medium sensitivity to change.
55. The Development Framework Plan indicates that except for those stretches of hedgerow and trees removed for the access into and through the site most of the existing hedgerows and trees would be retained and reinforced with additional planting. The existing ponds would be retained and incorporated into areas of public open space, with additional planting to enhance these habitats. The areas of open space would be linked to the existing public footpath that runs along the western and southern boundary and new links would be created to the Beacon Estate. Given the site is visually well contained by existing natural screening, the landscape and visual impact of the development would be highly localised. As a result, the development could be accommodated without material landscape and visual effects. As to the effect on the AoS, the lpa identifies that the development would not result in the merging of Goosnargh with Broughton or Grimsargh, the nearest settlements. As such, the effectiveness of the AoS would not be compromised.

56. This development would not have a material landscape and visual impact and would not conflict with JCS Policies 13 and 21.

Biodiversity

57. JCS Policies 18, 22 and LP Policies EN 10 and 11 seek to protect, enhance, and manage biodiversity features. The application was accompanied by an Updated Ecology Briefing note to supplement an extended Phase 1 Habitat Survey undertaken in 2018 for a previous application (06/2018/0867). These reports have been assessed for the lpa by the Greater Manchester Ecology Unit (GMEU). Subject to conditions requiring the submission of a Landscape Ecological Management Plan (LEMP), a Great Crested Newt (GCN) Mitigation Strategy, and a restriction on the timing of vegetation clearance, the GMEU has no objection to the scheme.
58. The site comprises poor semi-improved grassland pasture fields, bounded by hedgerows with mature trees; with 3 on-site ponds and a network of wet and seasonally wet ditches across the site. Six trees, with existing Tree Preservation Orders (TPOs) are located on the southern boundary next to Whittingham Lane. The scheme aims to retain the hedgerows, trees and ponds wherever practicable, with compensatory planting provided within the open space areas. However, of the 6 TPO trees, 3 are dead and one shows signs of disease. A small GCN population was present in one of the on-site ponds and bats were recorded using the site for foraging and commuting. Mitigation measures would be included within the LEMP. With the suggested conditions in place, there would be opportunities for material biodiversity gains, which would compensate for the loss of 2 trees on the road frontage. There would be no conflict with JCS Policies 18, 22 and LP Policies EN 10 and 11.

Overlooking

59. JCS Policy 17 (d), seeks to ensure that new development provides a good standard of amenity for neighbours and future occupants. Part of the residential area would back onto dwellings on Oakleaf Close, Highgate, Parkgate and Whittingham Lane. At the reserved matters stage, the layout could be designed to ensure there is adequate separation between the existing and proposed dwellings. There would be no loss of privacy through overlooking. There would be no conflict with JCS Policy 17.

Highways

60. Neither the lpa nor Lancashire County Council as local Highway Authority (HA) object to these, or any of the Goosnargh applications 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 Highways¹⁶ (NH), the strategic highways authority.
61. 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)

¹⁶ Formerly Highways England.

- 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.
62. 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 the HA. Thus, had the HA a concern about the robustness of the data this would have been raised. In my view, the submitted TA is robust, proportionate and provide a sound basis on which to assess this development.
63. The site would be served by a T-junction access with Whittingham Lane. The access, would be 5.5m wide with visibility splays of 2.4 by 43m in either direction. There is no footpath along the site frontage and the scheme proposes a new 2m wide footpath across the site frontage to the east to tie in with the existing footpath on the northern side of Whittingham Lane.
64. Estimated 2-way flows using the access, are 94 vehicles in the AM peak and 104 in the PM peak. These flows appear robust and having regard to existing surveyed flows would not result in material increases outside normal variation of daily traffic flows or result in a material change in traffic conditions. The local roads have a good safety record with no evidence of any significant highway safety problems that would be materially affected by traffic generated by the development.
65. 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.
66. Drawing the above together, safe and adequate access to the site can be achieved. This development, on its own or 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

67. 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 the development. These facilities are acknowledged by the lpa as being within reasonable walking and cycling distance of the site.
68. 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 Agreement provides for financial contributions for service enhancements increasing the opportunity for journeys other than by car. In this context, the site is in a sustainable location albeit at the bottom of the spatial hierarchy.

Flooding and Drainage

69. JCS Policy 29 seeks, to reduce the risk of flooding. The site and surrounding land are located within Flood Zone 1, an area deemed to be the lowest flood risk, i.e., having a less than 1 in 1,000 annual probability of flooding. Although the Local Lead Flood Authority (LLFA) were consulted on the Flood Risk Assessment (FRA) submitted with the application no response was received by the lpa. However, in response to a similar application in 2018¹⁷, the LLFA, subject to the imposition of conditions, did not object to the development.
70. A key condition previously 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 condition is comprehensive and as part of the detail to be approved includes 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, the scheme should demonstrate that the surface water run-off would not exceed the pre-development greenfield run-off rate.
71. The FRA indicates that there are no water bodies or watercourse systems that present a source of risk to the development. Whilst uncontrolled surface water run off within and from the site can contribute to flood events, the risk of surface water flooding is considered low. At the reserved matters stage, details of finished floor levels would ensure that any residual surface water flows, either overland or from within the ditch systems, would be safely conveyed through or around the development.
72. Surveys indicate that ground conditions are suitable for a surface water infiltration-based drainage. A positive surface water outfall from the development would be required with flows limited to greenfield run-off rates in accordance with Framework. The recommendation is that the development would connect to the watercourse system to the south-west. The drainage would be designed to contain flows from, at minimum, a 1 in 30-year event and would discharge into an attenuation basin located within the site prior to outfall via a flow control structure. Overall flows would be contained on-site up to the 1 in 100-year plus 30% climate change event. The intention is that the surface water drainage system would either be adopted by United Utilities (UU) who would assume responsibility for long-term maintenance or managed and maintained by the management company for the development. The FRA indicates that the development could be delivered so as not to be at risk of flooding from external sources or from within the development and the surrounding area.
73. Reference is also made to inadequate sewer capacity and overflowing at time of heavy rain. Sewer flooding is generally caused by surface water discharging into a combined system and its capacity exceeded. This can happen during

¹⁷ Application Reference 06/2018/0867.

and following extreme rainfall events causing the sewerage system to back-up. From the evidence, this is what appears to be happening here.

74. Conditions sought by United Utilities, who are responsible for the sewerage system, are that the development would be drained on separate systems and that no development is started until a surface water drainage system based 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.
75. Taking all these together, the risk of surface water flooding presents a low to medium risk, which could be engineered out through removing low spots, careful attention to the detailed layout and the development of an appropriate SuDs system to manage flows from the site. There would be no conflict with the objectives of JCS Poly 29.

Benefits

76. The scheme 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 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.
77. Whilst recent permissions in and around Goosnargh provide for AH, the bulk of the provision on the Whittingham Hospital site 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 this case, I heard nothing to suggest that the delivery of this site would be delayed. In this context, AH attracts substantial weight.
78. 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 cap¹⁸, is a clear benefit attracting substantial weight.
79. On economic benefits, the development could provide some £16 million in construction investment that would support some 135 full-time equivalent construction jobs over the projected build-out period and around 147 indirect jobs in associated industries. Residents of the scheme could generate a gross expenditure some £3.9m. Whilst the appellant submits that these benefits should attract significant weight, the lpa says moderate weight.
80. 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 this scheme attract significant weight.
81. Financial contributions to improve the bus service form part of the S106 Agreement and, by definition, are considered reasonable and necessary to

¹⁸ Framework paragraphs 60 & 61.

make the development acceptable in planning terms¹⁹ 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.

82. On biodiversity, the lpa recognises that the proposal has the potential to result in some gain, attracting limited weight. Whilst there is the potential for biodiversity gain, most of the indicative proposals are included to mitigate the impact of the development on existing biodiversity. In this context, in terms of being a benefit, the potential for biodiversity gain is neutral.
83. On design, landscape setting and green infrastructure, the appellant submits that the high-quality landscape setting of the development, which would include allotments and a community orchard would benefit existing and prospective residents. The achievement of a high-quality design and landscape setting is an expectation of the development plan and national policy and as such is not a benefit.
84. The location of a block of informal open space including an equipped play next to and with access from the Beacon Estate would not only meet the needs of the development but also the Beacon Estate, particularly the southern part, where it appears there is a dearth of public play space. The provision of allotments and a community orchard would be additions to the village. However, there is no indication how many allotments would be provided or how they would be allocated. The community orchard would be located on what would be the western extremity of Goosnargh. In these circumstances, whilst I consider the allotments and orchard would be a benefit, given the location and uncertainty of the scale of provision, only limited weight can be attached to their provision.
85. 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.
86. 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.
87. 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 units²⁰. To address the infrastructure issues to enable the full development of significant housing and commercial development

¹⁹ Framework paragraph 57.

²⁰ 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.

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.

88. 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.
89. 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.
90. Drawing the above together, the City Deal is a material consideration to be weighed in the planning balance. The lpa in a Planning Committee report²¹, 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, I consider it attracts limited weight as a material consideration.

Issue 4

91. The planning acts require that an appeal is determined in accordance with the development plan unless material considerations indicate otherwise²². 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

²¹ 06/2020/0888

²² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

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”.

92. 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.
93. 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.
94. In terms of the other material considerations, the contribution to market and affordable housing attracts substantial weight and economic benefits attract significant weight. The financial contributions for public transport attract moderate weight. The proposed allotments/community orchard 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 and the development plan taken as a whole. In coming to this conclusion, I have had regard to the 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 Conclusion

95. For the above reasons and taking all other matters into consideration, the appeal is dismissed.

George Baird

Inspector

APPEARANCES

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They called:

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INTERESTED PERSONS

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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.
CIL Compliance Statement.
List of Suggested Conditions & Reasons.
Representations by Mr Ingham.
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' 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.