



Appeal Decision

Hearing held on 16 October 2025

Site visit made on 16 October 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/D2320/W/25/3362219

Land at Babylon Lane, Adlington, Chorley, PR6 9NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Adlington Land Limited against Chorley Borough Council.
 - The application Ref is 21/00270/FULMAJ.
 - The development proposed is 40 dwellings together with associated new access, open space and landscaping, replacement of brass band building and associated parking.
-

Decision

1. The appeal is allowed and planning permission is granted for 40 dwellings together with associated new access, open space and landscaping, replacement of brass band building and associated parking at land at Babylon Lane, Adlington, Chorley PR6 9NP in accordance with the terms of the application, Ref 21/00270/FULMAJ, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the application, both the description of development and the name of the applicant changed, with the amendments being agreed between the main parties. These changes are therefore reflected in the banner heading above.
3. In light of further discussions in respect of drainage details, the Council does not contest the appeal proposal and has advised that there are no longer any matters of dispute between the main parties. However, this is an appeal against non-determination and I have a duty to deal with the case before me.
4. The draft Central Lancashire Local Plan (the emerging plan) was formally submitted to the Secretary of State for examination in June 2025. The appeal site is a draft housing allocation for 40 dwellings within the emerging plan and, as such, this is a material consideration in the determination of this appeal. The emerging plan has though yet to be formally examined, while its draft policies (including the appeal site's draft allocation) have been subject to varying levels of objection during the Regulation 19 Consultation Stage. I have therefore afforded this matter limited weight, and it has not materially affected the outcome of the appeal.
5. Since the submission of this application revisions to the National Planning Policy Framework (the Framework) have been made. Parties have had appropriate opportunity to comment on these during the appeal process.

6. The site's redline boundary was amended during the application process to remove an area of identified surface water flood risk from the proposed development site. There are no procedural reasons to preclude such amendments to an application site boundary. I have therefore determined the appeal as per the site illustrated on drawing ref: 1073-M-LP01 Rev D, which had been accepted and considered by the Council.

Main Issues

7. The main issues are:
- Whether the appeal site is an appropriate location for the proposed development having regard to the local development strategy;
 - The effect of the proposed development on the setting of the Grade II listed building known as Greenhalgh Farmhouse; and
 - Whether the proposed development makes effective provision for drainage and whether it would exacerbate flood risk off-site.

Reasons

Location

8. The appeal site is located at the edge of Adlington and is well related to its existing built form.
9. Policy 1 of the Central Lancashire Core Strategy (adopted 2012) (the Core Strategy) sets out the spatial strategy for growth and investment across Central Lancashire. The policy seeks to predominantly direct development towards brownfield sites and to locations within settlement boundaries, but recognises the need for some greenfield development on the fringes of main urban areas. The policy also identifies Adlington as an Urban Local Service Centre, whereby growth and investment will be encouraged to meet housing and employment needs. The policy's supporting text makes clear that the spatial strategy is intended to support growth in sustainable locations.
10. Despite the appeal site being located on the edge of the settlement, it remains well connected to a range of facilities and services. These include a primary school, a several shops and community facilities and public transport options. These facilities are all within reasonable walking or cycling distance from the appeal site, along gently undulating terrain. Additionally, well-overlooked, footways are present adjacent to the appeal site, that continue throughout much of Adlington, thereby offering the opportunity to create safe pedestrian routes from the appeal site to numerous facilities. The appeal site's position therefore provides a realistic opportunity for any future residents to access a range of facilities and services by sustainable means of travel.
11. Given the site's relationship to existing built form and nearby facilities and services, I do not find the appeal scheme to have any inherent conflict with Core Strategy Policy 1.
12. Regardless of the above, under Policy BNE3 of the Chorley Local Plan 2012 – 2026 (adopted 2015) (the Local Plan) the appeal site is designated as Safeguarded Land, where development will not be permitted except for limited,

specified exceptions. The purpose of this designation is in order that Green Belt boundaries should be long lasting, with land between some settlements and the Green Belt being safeguarded for future development needs beyond the plan period.

13. The proposed development does not meet the relevant detailed exception criteria and therefore conflicts with Local Plan Policy BNE3.
14. Accordingly, having regard to the local development strategy, as outlined within the Council's adopted development plan, the appeal site is not an appropriate location for the proposed development.

Setting of Listed Building

15. Greenhalgh Farmhouse is a 17th Century stone farmhouse located adjacent to the appeal site. It is set back from Babylon Lane and has an adjoining barn.
16. The significance of the heritage asset lies heavily in its aesthetic quality, as well as providing historic and symbolic context. This is predominantly evidenced in the building's fabric, architectural form and appearance, vernacular construction methods and its relationship to the original farmstead.
17. Even though the farmhouse may no longer be used in association with agriculture, and its wider setting includes a range of modern housing developments, its more immediate setting is still largely defined by open parcels of land, including the appeal site. Despite intervening vegetation, glimpses of the listed building can still be had from the appeal site and vice-versa.
18. The close physical relationship between the appeal site and the farmhouse, suggests that it would likely have formed part of the original land holding and so represent a remaining link with the original function of the building. In this regard, the open and rural appearance of the appeal site contributes in part to the significance of the heritage asset. As the rural character of the site would be lost the proposed development would cause harm to the setting of Greenhalgh Farmhouse.
19. Accordingly, the proposal conflicts with Policy 16 of the Core Strategy and Local Plan Policy BNE 8. Together these policies seek to conserve and enhance the historic environment, including avoiding harm to the significance of heritage assets from inappropriate development within their setting.

Heritage Balance

20. In the context of the Framework the harm that would arise to the designated heritage asset would be less than substantial and towards the lower end of this scale. Nonetheless, in accordance with the Framework, any harm to a designated heritage asset carries great weight.
21. The proposal would provide 40 dwellings, of which 12 would be affordable units, in an area with an identified deficit of housing supply and significant need for affordable homes. I find the public benefits arising from the delivery of these homes, alone, would be sufficient to outweigh the harm identified to the heritage asset and therefore provides clear and convincing justification for the proposed development. I return to this matter as part of my overall planning balance.

Drainage and Flood Risk

22. Detailed flood risk assessments (FRAs) have been submitted by the appellant, which demonstrate the appeal site to be at a low risk of flooding from fluvial and surface water sources, as well as negligible risk from groundwater. Indeed, the entirety of the appeal site, including access and escape routes, is located within Flood Zone 1. Accordingly, there is no requirement for the proposal to be subject to the sequential test for flooding as outlined under the Framework and the Planning Practice Guidance (PPG).
23. Surface water flood risk maps¹ establish areas of flood risk adjacent to the appeal site along Babylon Lane and Whitebeam Close that could affect access to the site. The highlighted risk is primarily connected to future climate change scenarios and is confined to areas of the public highway. Furthermore, from the presented evidence, flooding in these areas is likely to be limited to extreme storm events and result in shallow flood depths. Both roads have a moderate fall, with Babylon Lane sloped across an extensive stretch. The topography is such that surface water flooding along Babylon Lane is highly likely to be limited to shallow sheet flow that follow the fall of the streets and does not have significant opportunities for accumulation or ponding within the vicinity of the appeal site. Emergency access or egress from the proposed development would therefore also be unlikely to be constrained by flooding.
24. Notwithstanding the above, Core Strategy Policy 29, amongst other matters seeks to improve water management and reduce flood risk in all new developments. This includes protecting the site and surroundings from flood risk. As such, it remains necessary for the appeal scheme to demonstrate that the proposal would be served by suitable drainage and would not exacerbate off-site flood risk.
25. Areas identified as being at risk of surface water flooding² in the vicinity are primarily located along Babylon Lane, which follows the alignment of an existing sewer route. Additional risk is associated with the culvert opening at the site's edge, where water is likely to accumulate within topographical depressions. Furthermore, Greenhalgh Lane to the south-east—towards which the site naturally drains—is also highlighted as an area susceptible to surface water flooding.
26. Foul and surface water would be drained separately from the proposed development, with only foul flows discharged to the existing combined sewer on Babylon Lane. Evidence indicates that these foul flows would be modest and would not materially affect the hydraulic performance of the existing infrastructure. United Utilities, as the statutory undertaker, has endorsed this approach and confirmed that the proposed drainage strategy and foul connection are acceptable in principle. Based on these findings, a detailed assessment of the existing drainage system along Babylon Lane is not considered necessary.
27. According to British Geological Survey maps the site's underlying strata is of an impermeable nature, thereby creating poor conditions for infiltration. The ability for surface water to effectively infiltrate within the site may have also deteriorated due to past developers' activity in the area. Various interested parties have also reported springs emerging within the appeal site, and there are no reasons for me

¹ Environment Agency Flood Map for Planning; and the Central Lancashire Level 1 Strategic Flood Risk Assessment (2021) prepared by JBA.

² Ibid

to refute that the existing ground conditions are likely to be a key contributor to shallow spring flows occurring within the site.

28. Due to the expected ground conditions, the proposed drainage strategy does not rely on infiltration. Instead, the scheme proposes the use of a sustainable drainage system (SUDS) to offset any potential increase in runoff from the development. In effect, this approach would manage surface water by intercepting it on-site and discharging it to an existing culvert at a controlled, attenuated rate. As part of the site layout, the culverted outflow route would be diverted to accommodate the design. The proposed diversion would also enable an appropriately pipework to be installed to handle anticipated flows.
29. The Local Lead Flood Authority (LLFA) has endorsed the above approach, subject to a condition requiring the approval of the detailed drainage design and undertaking of further ground investigations. Such a condition would ensure the Council and LLFA maintain control over the precise scheme and could prevent development coming forward that would reduce flood storage or increase runoff rates.
30. Following the evidence presented at the hearing and my site inspection, I find that the Upper and Lower Rivington reservoirs do not exhibit hydraulic connectivity with the appeal site. This view is justified by the substantial separation distances, intervening topographical gradients, and existing built development, which collectively support a lack of direct hydraulic linkage.
31. With respect to the local hydraulic catchment, the evidence before me indicates that upstream areas to the site primarily drain either into the highway sewer network along Babylon Lane or an ornamental lake at the neighbouring property. From the available evidence, the predominant upstream hydraulically connected source to the appeal site, is likely to be the ornamental lake. I am persuaded by the views of the drainage engineers, appointed by both the appellant and the Council, that the ornamental lake is only likely to capture run-off water from a localised area, including potentially only a small extent of the adjacent motorway. Accordingly, I consider that upstream sources have been suitably factored into the proposed SUDS design. It was also apparent from discussions at the hearing that the use of SUDS would be capable of incorporating a sufficient capacity buffer for potential flood events, including an appropriate allowance for climate change.
32. The outflow from the neighbouring ornamental lake flows towards and through the appeal site. Topographic evidence, indicates that a short section of open channel of the outflow route is located immediately beyond the site extents before the outflow is culverted through the site running near to its eastern boundary. The proposed drainage strategy for the site would involve the vast majority of the undeveloped upgradient area being formally drained to the proposed SUDS before being attenuated and discharged directly to the culvert.
33. As the proposed drainage strategy is predicated on the use of the existing culvert, and its exact route and condition are currently unknown, there are risks associated with its blockage or failure. Such risks include that the existing culvert acts in hydraulic continuity with groundwater. However, I am satisfied that the risks could be appropriately mitigated via the use of a pre-commencement condition attached to any permission. This would require a full condition survey and structural assessment of the culvert to be undertaken, as well as the subsequent delivery of

potential remediation/maintenance and/or de-culverting works identified through the survey's findings. The condition could also ensure that any works to divert the culvert, or daylight it, would at a minimum replicate its existing capacity (or increase it) and therefore not increase flood risk to the site and surroundings.

34. The area of known ponding and flood risk to the southeast of the site, near the existing drystone wall and Greenhalgh Lane, lies outside the proposed development boundary. The proposal includes creating a pedestrian access by forming a small opening in the drystone wall near the corner of Babylon Lane and Greenhalgh Lane. The wall has previously been demonstrated to provide some attenuation of surface water runoff, although it is not fully impermeable. I expect that the formation of this opening would have limited impact on the existing surface water flow regime. Furthermore, as the proposed drainage strategy will actively manage surface water, it is likely to significantly reduce uncontrolled runoff and offset any minor changes caused by the new access point.
35. Interested parties also expressed concerns at the hearing regarding hydraulic capacity downstream of the site, particularly due to other recently complete/approved housing developments nearby. Even if there is a lack of downstream drainage capacity, the downstream risks could be reduced through the appeal site's drainage design that would allow surface water to be positively managed and restricted to green-field run-off rates as a minimum. The precise details of which can be suitably secured via a pre-commencement planning condition. Therefore, the proposal offers an opportunity to provide betterment to the current situation.
36. Indeed, subject to the imposition of relevant conditions, most notably, in relation to the detailed drainage design, verification of the works, approval of an operation and maintenance plan for the drainage system for the lifetime of the development, and the aforementioned condition in respect of surveying the existing culvert, I am persuaded that the proposal could appropriately mitigate flood risks and offer betterment to the current arrangement.
37. Previous flood events near the appeal site have clearly caused significant distress to local residents, and the proposed development has raised fears of increased flood risks. However, detailed hydrological evidence indicates that, subject to appropriate conditions, the proposal would not adversely affect flood risk. This evidence has been thoroughly reviewed by independent drainage consultants on behalf of the Council, as well as by the LLFA, United Utilities, and the Environment Agency. Collectively, these bodies have concluded that, with the recommended conditions in place, the development would not increase flood risk either on-site or off-site. No suitably robust evidence has been presented to justify an alternative conclusion.
38. Additionally, it is customary for the precise detailed drainage strategy to be provided through the discharge of a planning condition(s) on a permission, provided that the drainage strategy has been demonstrated in principle to be suitable. There are no reasons for me to believe that such an approach would be untoward in this instance.
39. Consequently, I find the proposal would make effective provision for drainage and would not exacerbate flood risk off-site. Accordingly, the proposal complies with Core Strategy Policy 29.

Other Matters

40. During my site visit, which included viewing Babylon Lane around school pick-up time, I observed parked vehicles along a considerable extent of the highway. The road also appeared to be well trafficked, while I witnessed examples of both heavy goods vehicles and tractors travelling along Babylon Lane near the appeal site. The position of parked vehicles meant that the available carriageway width was frequently reduced so that vehicles had to stop and give-way to oncoming traffic. However, such stoppages appeared brief in nature.
41. Although the above observations were only a snapshot in time, the appeal scheme was accompanied by a Transport Statement that included consideration of the proposal's likely vehicle trip rates. This indicated a modest level of additional movements that would not have a material impact on the local highway network. These findings have not been disputed by the Local Highway Authority.
42. Furthermore, the Council has commissioned two independent reviews of the transport issues associated with the proposed development, while the appellant has also subsequently undertaken a traffic count of vehicle movements during peak times.
43. The proposal would result in greater movement of vehicles along Babylon Lane, which is a clear concern of many local residents. However, the technical evidence before me indicates that there is sufficient capacity within the highway network to safely accommodate the increase level of vehicle movements that would arise from the appeal scheme. Furthermore, notwithstanding that there may have been vehicle accidents within the vicinity of the appeal site, available data suggests that there is no inherent existing safety issue, while the forecasted number of trips is unlikely to exacerbate this.
44. The proposed dwellings would be served by sufficient levels of parking. The appeal scheme would also provide on-site parking for the replacement brass band facility, whereas, the existing facility has no dedicated parking spaces. Even if the new facility attracts increased visitor numbers, it is therefore unlikely to significantly add to existing parking pressure in the area.
45. Subject to relevant conditions in relation to their completion and maintenance of visibility splays, I am also satisfied that the proposed vehicle accesses to the site would be safe.
46. Pedestrian access would be via an entrance at the southern end of the site, near the junction with Greenhalgh Lane and Babylon Lane. From the available evidence and my observations on-site, I consider that a safe form of pedestrian access is deliverable in this location. Pedestrians proceeding south would cross onto the footway either side of Babylon Lane. Those heading north would need to cross Babylon Lane to access a footway opposite, as none would be present along the site's frontage. Still, taking into account that pedestrians are less likely to be travelling north, given the location of most services, I consider that this arrangement would be acceptable in this case.
47. Interested parties have also expressed concern in relation to pedestrian safety in the vicinity of the site with parked cars blocking footways. It is not though within the appellant's gift to rectify this widespread problem in the area. Insofar as the

proposal provides safe access to, from and through the site, I consider it to be acceptable.

48. Bringing the above matters together, based on the technical evidence before me, and subject to the imposition of relevant conditions there are no risks to highway safety that should preclude the proposed development from taking place.
49. Despite the relatively recent reduction in bus services from nearby stops, it remains that the appeal site lies adjacent to the built-up area and a range of local services are available within a short distance of the site, including public transport options. Although most residents would be reliant on the private car to reach some services and facilities, the development site is in an accessible location and provides realistic opportunities to utilise sustainable modes of travel. This matter therefore does not weigh against the proposal.
50. The surrounding area may have already delivered a significant number of new dwellings in recent years, but this does not diminish the fact that there remains substantial housing need within the Borough. Nor does it demonstrate that the appeal site is unsuitable for the proposed development.
51. The appeal scheme was accompanied by a preliminary ecological appraisal (PEA) that provided details on matters such as designated sites, habitats, as well as protected and notable species. The PEA, which was based on both desktop and a walkover field survey, found that there are no overriding ecological constraints that would prevent the proposed development of the appeal site. This view has been shared by both the local planning authority and the county ecologist.
52. Although I do not dispute the findings of the PEA, or an associated Bat Method Statement, the initial surveys that informed these reports are now more than five years old, such that I am no longer convinced that they can continue to be relied upon. Still, subject to relevant pre-commencement conditions requiring the completion of updated ecological survey work, and the implementation of any necessary additional actions that the survey work may reveal, I am satisfied that the proposal would not cause harm to ecology.
53. The proposal would lead to the loss of several trees, as well as some hedgerow. The trees to be lost include a small number of Category B (moderate quality) but are mainly category C (low quality) or U (low quality with limited life expectancy). Meanwhile, the loss of trees and hedgerow could be appropriately mitigated through the proposed compensatory landscaping scheme to be secured via condition.
54. I note the concerns regarding the manner in which previous vegetation clearance at the site was undertaken, but this is not determinative to the current proposal. Moreover, any future developer would be required to adhere to the conditions of any grant of planning permission at the site, as well as relevant legislation.
55. The proposal is not statutorily required to deliver bio-diversity net gain, still, it has been demonstrated through the appellant's evidence that the appeal scheme would be capable of delivering enhancements to biodiversity. Such enhancements could be secured via the completed Section 106 legal agreement (the S106).
56. The appeal site is privately owned land and therefore the proposal would not lead to the loss of recreational public open space. Through the accompanying S106

agreement, the appeal scheme would though provide financial contributions towards the enhancements of existing (or the provision of new) allotments, parks and gardens and playing pitches within the Borough.

57. The surrounding area is characterised predominantly by residential dwellings, that vary in their design and appearance but are mainly two-storeys in height. This includes attractive, traditional, stone terraces along with more modern house types, set in larger plots, complete in a range of artificial and natural materials. The layout of housing also varies, with several of the more modern houses nearby, laid out to face away from or back onto the main road.
58. The proposed development would comprise of a mix of two-storey detached and semi-detached properties. The scale, layout and density of development would not appear untoward given the surrounding context including adjacent modern housing developments. Subject to a condition requiring the approval of the external finishes of the proposed dwellings, I am also satisfied that their precise appearance could respond well to the surrounding built form. The proposal would also incorporate a sufficient level of soft landscaping, which in time would be capable of helping to soften the proposed development. Consequently, I do not consider the proposal would cause harm to the character or appearance of the area.
59. The existing boundary dry stonewall is not an identified heritage asset. Nonetheless, it is a pleasing, distinguishing feature that positively adds to the character and appearance of the area. At the hearing main parties agreed to a pre-commencement condition that would require identification of the extent of the boundary wall to be retained as well as repaired/maintained. I find the proposed condition to be reasonable and necessary and would further ensure the proposal respects the area's local distinctiveness and assimilates well with its surroundings.
60. The appeal scheme would result in some overlooking towards existing residential properties. However, from my observations on site, all proposed dwellings have been sufficiently distanced and suitably orientated to avoid unacceptable impacts on the living conditions of existing neighbouring occupiers, for example in respect of privacy, loss of light or outlook. Additionally, the design of the proposed development would also ensure that potential future occupants of the proposal would also be provided with suitable living conditions.
61. It is typically that construction and development activities will cause some level of disturbance to nearby residents. However, subject to adherence to a construction management plan (to be secured via condition), these impacts, including in respect of noise and dust, could be effectively managed and minimised. Furthermore, based on the evidence before me, I find no compelling reason to conclude that the completed development would cause adverse effects related to noise or air quality.
62. The use of a construction management plan (CMP) is also capable of ensuring measures are put in place so that construction activity and delivery vehicles do not impede access to adjoining properties, including for any neighbouring residents with a protected characteristic. Indeed, in reaching my decision, I have found no reasons as to why the proposed development would unduly effect persons with protected characteristics.
63. The appeal site is in a sustainable location and the scheme would be required to adhere to carbon emissions standards established under building regulations. No

substantive evidence is before me that demonstrates the proposal would worsen the climate crisis.

64. The appellant's submitted Phase 1 Geo-Environmental Site Assessment examines the site's potential for land contamination and/or geo-technical risks. The findings are based on a desk study of historical records as well as a site walkover. The assessment does not reveal any overriding constraints that would prevent the proposed development. Further ground investigations work could also be secured as part of pre-commencement conditions attached to a grant of permission. There are no robust reasons for me to dispute the appellant's presented geotechnical evidence.
65. A water main crosses the appeal site, however, subject to a pre-commencement condition requiring identification of its precise location, as well as approval of measures to protect the water main from damage, the statutory undertaker is satisfied that the infrastructure will be safeguarded.
66. The appeal scheme is materially different to an application (ref:12/00895/FULMAJ) that was refused in 2013. Notably, that scheme involved only 14 dwellings of a different design, and on only part of the current appeal site. Additionally, amongst the reasons that scheme was refused was because of a lack of affordable housing provision and the layout/density of the proposal being inappropriate.
67. Likewise, there are materially different circumstances compared to the relevantly recent appeal³ at the site for outline permission for 40 dwellings. This includes changes to the appeal site boundary and planning policy context in respect of the application of the sequential test for flooding.
68. Interested parties have raised concerns that the appellant has circumvented planning practice through merely altering the appeal site boundary to avoid the requirement to undertake the sequential test for flooding. The purpose of the sequential test is to steer new development away from areas of flood risk. Despite being situated very near to areas of identified surface water flood risk, the appeal proposal through being entirely located within Flood Zone 1 conforms to the purpose of the sequential test.
69. Additionally, since the determination of the previous planning appeal at the site (ref: 3329702), the PPG has been updated and imposes less stringent requirements to undertake a sequential test where a site-specific flood risk assessment demonstrates clearly that occupiers and users would remain safe from current of future surface water flood risk and without increasing flood risk elsewhere. Given my previous findings, it is therefore unlikely that a sequential test would have been required had the site's redline boundary not been altered.
70. The appeal site has also been put forward as a draft allocation within the emerging plan, with the Council not deeming drainage/flooding constraints to prevent its future allocation for development. This suggests that even if the sequential test were applicable, it is likely that it could be passed.

Planning Balance

71. The proposal would make a valuable contribution towards housing supply, and affordable housing provision, in an area where there is a significant shortfall.

³ Appeal Ref: APP/D2320/W/23/3329702 - Land at Babylon Lane, Heath Charnock, Adlington, Chorley, PR6 9NP

These benefits attract considerable weight due to the scale of delivery and the level of shortfall in the authority area. Additionally, the proposal would provide socio-economic benefits associated with the construction and subsequent occupation of the proposed development, including the potential for future residents to support local facilities and services. These benefits attract moderate weight.

72. Main parties agree that Core Strategy Policies 1 and 4 and Local Plan Policies BNE3 are the most important policies for determining the appeal. I find this to be an accurate assessment. As previously set out, the proposal would not conflict with Core Strategy Policy 1. I also do not consider the proposal to conflict with Core Strategy Policy 4 that sets out the expected minimum housing delivery across Central Lancashire, while also seeking to maintain a suitable and deliverable supply of housing. The proposal does, however, conflict with Local Plan Policy BNE3 that designates the site as safeguarded land. This policy is generally in accordance with paragraph 149 of the Framework that seeks to safeguard land for future development needs.
73. Through conflicting with Local Plan Policy BNE3, as well as Policy BNE 8 and Core Strategy Policy 16 (in respect of conservation of heritage assets), the proposal conflicts with the development plan taken as a whole.
74. The Council though is unable to demonstrate a sufficient supply of homes, with main parties agreeing that the available supply is close to only two years. The shortfall is therefore significant, while over the three-year period between 2021 to 2023/24, delivery has been far below the requirements of the Housing Delivery Test. It is therefore clear that the current development strategy is not delivering a sufficient supply of homes. Indeed, main parties agree that Core Strategy Policies 1 and 4, as well as Local Plan Policies BNE3, are each out-of-date. I have been presented with no appropriate evidence to conclude otherwise. Given these findings, I attach limited weight to the proposal's conflict with Local Plan Policy BNE3.
75. Due to the above findings, Paragraph 11d) of the Framework is engaged. As identified, the public benefits of the proposal outweigh the less than substantial harm to the designated heritage asset, while the appeal site is entirely located within Flood Zone 1. The application of policies in the Framework that protect assets of particular importance therefore do not provide a clear reason for refusing planning permission in this case. The presumption in favour of sustainable development is therefore not disengaged.
76. The proposal would align with the Framework's aim to significantly boost the supply of housing and its recognition that small and medium-scale developments can make an important contribution to meeting housing requirements. Likewise, it would adhere to the provisions of the Framework in respect of delivering development in sustainable locations, that is sympathetic to local character, and that provides high standards of amenity for existing and future users. Socio-economic benefits that would arise from the appeal proposal would also align with those elements of the Framework. Against this, the scheme fails to accord with the Framework, where it seeks to safeguard land between urban areas and the Green Belt for longer-term development needs and conserve or enhance heritage assets.

77. Bringing the above together, I find the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and the Framework indicates that this is a case where the development should be permitted.

Conditions & Section 106 Agreement

78. Main parties provided a list of agreed conditions in the event of the appeal being allowed and planning permission being granted. Apart from the standard condition setting out the timescale for commencement of development, the following conditions are also reasonable and necessary:

Pre-Commencement Conditions

- Approval of construction of accesses and off-site highway works (In the interest of highway safety from the outset of development)
- Approval of a construction management plan (to ensure adequate control over construction activities)
- Approval of full engineering details for streets proposed for adoption and details of their future management and maintenance (to ensure an appropriate form of development is delivered)
- Requirement to undertake an updated Preliminary Ecological Appraisal and prepare an updated Bat Method Statement (in the interests of biodiversity)
- Identification and remediation of any on site contamination (in order to eliminate the possibility of harmful ground conditions and in the interests of human health)
- Approval of the detailed Surface Water Drainage Strategy including the requirement for further ground investigations work (to avoid on site or downstream flood risk and ensure appropriate infrastructure is delivered at the outset of the development)
- Condition survey/structural assessment and potential remedial work to the culvert to which the site will discharge (to avoid on site or downstream flood risk and ensure appropriate infrastructure is delivered at the outset of the development)
- Approval of a Construction Surface Water Management Plan (to ensure that construction activities do not result in undue surface water flood risk)
- Identification and protection of water mains located within the site (to protect public water supply during construction)
- Approval of site and slab levels (for clarity and to ensure an acceptable form of development prior to ground levels being altered during construction)
- Approval of an Arboricultural Method Statement (to protect trees during the construction period in the interest of the character and appearance of the area);

- Approval of an Employment & Skills Plan (in the interest of providing local employment and skills training opportunities in connection with construction activities to accord with the aims of Core Strategy Policy 15); and
- Details of the boundary dry stone wall to be retained, repaired and maintained (to protect the wall from construction activity and in the interests of the character and appearance of the area)

Pre-Occupation Conditions

- Approval of surface water drainage maintenance manual for lifetime of the development (to avoid increased risk of surface water flooding)
- Surface Water Drainage Verification Report (to avoid increased risk of surface water flooding)
- Installation of approved boundary treatments (in the interests of the living conditions of future residents)

Other Conditions

- Compliance with approved plans/drawings (for clarity and certainty)
- Provision and maintenance of visibility splays (in the interest of highway safety)
- Details of noise attenuation measures in connection with the replacement brick band building (in the interest of the living conditions of neighbouring residents)
- Installation of obscure glazing (in the interest of privacy)
- Approval of a method statement for the eradication of and/or biosecurity measures for dealing with invasive species (to avoid the spread of invasive species)
- Implementation of landscaping (in the interests of the character and appearance of the development and surrounding area)
- Details of external materials to be used in the construction of the dwellings (in the interests of the character and appearance of the development and surrounding area)

79. As detailed at the hearing, where appropriate, I have amended the precise wording of the suggested conditions to align with the tests outlined at Paragraph 55 of the Framework and to improve precision.
80. I have not found it necessary to attach further conditions that were put forward by main parties in relation to compliance with approved plans, compliance with the principles of the submitted flood risk assessment; approval of an estate street phasing and completion plan, or approval of a scheme of landscaping. As such matters would duplicate the requirements of other conditions to be attached to the grant of permission. I have also not found it necessary to attach a condition detailing the circumstances under which works to trees and shrubs can take place (due to the risk to nesting birds), as such matters are suitably controlled via other legislation.

81. As opposed to complying with the submitted PEA and Bat Method Statement (BMS), I have instead found it necessary to attach pre-commencement conditions requiring the completion of an updated PEA and BMS. This is because the findings of the original survey work that informed these reports are likely to be out of date before the commencement of development, while updated surveys are necessary to confirm the continued absence of protected species on the site. Given these reasons, I find that there are exceptional circumstances to allow additional ecological survey work to be conditioned as part of the permission as per the advice of Circular 06/05: Biodiversity and Geological Conservation and BS 42020:2013.

Section 106 Agreement

82. The submitted S106 is dated and signed by all those with an interest in the land. It also binds successors in title. The S106 covers several matters, setting out obligations which address the following:
- the provision of 30% affordable housing;
 - the delivery of a replacement brass band building;
 - financial contributions towards improvements/enhancements to parks and gardens and playing pitches, as well as new allotments within the Borough.
 - a financial contribution towards the delivery of off-site projects to provide biodiversity net gain; and
 - the provision of open space situated within the site and its long-term management.
83. The obligations in respect of affordable housing, parks, gardens, playing pitches and allotments, as well as open space within the appeal site, align with the Council's adopted policy and guidance considerations. Notably, as detailed within CLCS Policy 7 (Affordable Housing) and Local Plan Policy HS4A (Open Space Requirements in New Residential Developments), as well as the Council's Affordable Housing Supplementary Planning Document and Open Space and Play Pitch Supplementary Planning Document. The obligation in respect of the brass band building is also necessary as the proposed development would involve the replacement of the existing community building.
84. I am therefore satisfied that the obligations in respect of affordable housing, the replacement brass band building, parks gardens, playing pitches and allotments, as well as long-term management of open space within the site each meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as amended. Namely, in that they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the proposed development.
85. In respect of the obligation to provide a financial contribution towards BNG, the planning application was submitted prior to February 2024 and therefore the development is exempt from delivering BNG⁴. Additionally, no policy basis has been presented to show it would be necessary for the scheme to deliver ≥10%

⁴ Exempt from mandatory BNG established under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

BNG, as the relevant obligation intends to. From the evidence before me, the obligation in respect of BNG is therefore not necessary to make the development acceptable in planning terms. As such, I have not accorded the obligation any weight and so it has not been a reason for granting planning permission.

Conclusion

86. For the reasons given above, the appeal is allowed and planning permission is granted.

Lewis Condé

INSPECTOR

Richborough

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except as may otherwise be specifically required by any other condition of this permission, the development hereby permitted shall be carried out in accordance with the following approved plans/drawings:
 - Location Plan, Drawing Ref: 1073-M-LP01 Rev D
 - Planning Layout, Drawing Ref: 1073-M-PL01 Rev U
 - Affordable Housing, Drawing Ref: 1073-M-AH01 Rev F
 - Refuse Strategy Layout, Drawing Ref: 1073-M-RF01 Rev H
 - Materials and Boundary Treatments, Drawing Ref: 1073-M-MB01 Rev L
 - Rivington & Adlington Brass Band Rehearsal Building, Drawing Ref: 1073-M-BRB-01 Rev A
 - General Arrangement Landscape Plan, Drawing Ref: UG_11950_LAN_GA_DRW_01 P14
 - Hard Landscape Plan 1/2, Drawing Ref: UG_11950_LAN_HL_DRW_02 P08
 - Hard Landscape Plan 2/2, Drawing Ref: UG_11950_LAN_HL_DRW_03 P09
 - Soft Landscape Plan 1/2, Drawing Ref: UG_11950_LAN_SL_DRW_04 P12
 - Soft Landscape Plan 2/2, Drawing Ref: UG_11950_LAN_SL_DRW_05 P12
 - "Charnock" House Type, Drawing Ref: 1073-M-HT-C2
 - "Enfield" House Type, Drawing Ref: 1073-M-HT-E
 - "Jamesville" House Type Semi Variant, Drawing Ref: 1073-M-HT-Js
 - "Jamesville" House Type, Drawing Ref: 1073-M-HT-J
 - "Martland" House Type, Drawing Ref: 1073-M-HT-M
 - "Newton" House Type, Drawing Ref: 1073-M-HT-N
 - "Newton" House Type Corner Variant, Drawing Ref: 1073-M-HT-Nc
 - "Stanbury" House Type, Drawing Ref: 1073-M-HT-S
 - Single Garage, Drawing Ref: 1073-M-GAR
 - Preliminary Drainage Strategy, Drawing Ref: BLA-AJP-XX-00-DR-C-0900 Rev P4
 - Proposed Site Access Plan, Drawing Ref: 2443-F0

- 3) No development shall take place, including demolition or site clearance works, until an updated Preliminary Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority. The update Preliminary Ecological Appraisal shall include the following:
- an updated field survey of the site setting out its baseline ecological conditions;
 - a summary of the site's suitability for protected and notable species;
 - details of any ecological constraints, further survey work that may be required, and/or recommended mitigation measures to be secured;
 - a programme for the undertaking of any further survey work (if found necessary) and/or implementation of mitigation measures identified.

The development shall thereafter be carried out in accordance with the approved updated Preliminary Ecological Appraisal.

- 4) No development shall take place, including demolition or site clearance works, until a Bat Method Statement, has been submitted to and approved in writing to the Local Planning Authority. The Bat Method Statement shall include the following:
- updated nocturnal bat surveys of the existing brass band building at the site;
 - details of any constraints, further survey work that may be required, and/or recommended mitigation measures to be secured;
 - a programme for the undertaking of any further survey work (if found necessary) and/or implementation of mitigation measures identified.

The development shall thereafter be carried out in accordance with the approved Bat Method Statement.

- 5) No development shall take place until a scheme for the construction of the site accesses and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority.

The site accesses and off-site highway works shall be constructed and complete in accordance with the approved scheme prior to the occupation of the dwellings hereby permitted.

- 6) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include and specify the provisions to be made for the following:
- a. Vehicle routing for vehicles carrying plant and materials and the parking of vehicles of site operatives and visitors;
 - b. hours of operation (including deliveries) during construction;
 - c. loading and unloading of plant and materials;
 - d. storage of plant and materials used in constructing the development;
 - e. siting of cabins, site compounds and material storage area;
 - f. the erection of security hoarding where appropriate;
 - g. wheel washing facilities;

- h. measures to control the emission of dust and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j. measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The approved CMP shall be adhered to through the construction period for the development.

- 7) No development shall take place until full engineering, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed and complete in accordance with the approved details before the buildings on site are occupied.
- 8) No development shall take place until details of the proposed arrangements for future management and maintenance of the streets within the development have been submitted to and approved by 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.
- 9) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 10) No development shall take place until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water

sustainable drainage strategy ('Preliminary Drainage Strategy - BLA-AJP-XX-00-DR-C-0900-P4 - Alan Johnston Partnership - 01/02/21') submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate no greater than 13.5l/s.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels, ensuring that foul and surface water are drained using separate systems;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

- 11) No development shall take place, including any works of demolition, until a Construction Surface Water Management Plan (CSWMP), detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the CSWMP to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The approved CSWMP shall be adhered to throughout the construction period for the development.

- 12) No development shall take place until proposed ground and building slab levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in conformity with the approved ground and building slab levels.
- 13) No development shall take place until an Employment and Skills Plan setting out the employment skills opportunities for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The approved Employment and Skills Plan shall be adhered to throughout the construction phase of the development.

- 14) No development shall take place until an Arboricultural Method Statement (AMS) has been submitted to and approved by the Local Planning Authority.

The AMS shall identify the measures that will be employed during the construction period to protect the existing trees identified for retention on the submitted landscaping plans drawing ref: UG_11950_LAN_SL_DRW_04 Rev P03 entitled 'Soft Landscape Plan 1/2' and ref: UG_11950_LAN_SL_DRW_05 Rev P03 entitled 'Soft Landscape Plan 2/2'.

The approved AMS shall be adhered to throughout the construction period for the development.

- 15) No development shall take place until a detailed CCTV condition survey and structural assessment of the culvert (including inlet, outlet, and full length of the structure) to which the site will discharge has been submitted to and approved in writing by the Local Planning Authority. Where defects, capacity constraints, or risks of blockage or collapse are identified, a scheme of

remedial or improvement works shall also be submitted for the written approval of the Local Planning Authority. The approved works shall be implemented in full prior to the connection of any part of the development's drainage network to the culvert.

The assessment and, where applicable, the remediation scheme shall also consider:

- The feasibility of partial de-culverting where relevant and achievable;
- Measures to maintain clear access to culvert inlets and outfalls;
- Provision for exceedance flow paths within the development layout; and
- Integration with the overall site drainage strategy to manage residual flood risk.

- 16) No development shall take place until a scheme for the protection of the dry-stone wall to the perimeter of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme of protection shall include a plan to show the extent of the drystone wall to be retained and shall detail measures for its repair and on-going maintenance.

The development shall be carried out in full accordance with the approved scheme of protection and any identified repairs and/or maintenance shall be carried out prior to first occupation of the development.

- 17) No development shall take place until a scheme of protection for the water main(s) laid within the site boundary has been submitted to and approved in writing by the Local Planning Authority. The scheme of protection shall include:

- a survey of the precise location of the water main(s)
- an outline of the potential impacts on the water main(s) from both construction activities and post development activity at the site;
- details of any mitigation measures required to protect and prevent damage to the water main both during construction and post completion of the development.

The development shall be undertaken and maintained in accordance with the scheme of protection.

- 18) Prior to any earthworks a method statement detailing eradication and/or biosecurity measures for Japanese knotweed, montbretia and cotoneaster shall be submitted to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.
- 19) No development above ground level shall take place until details/samples of all external facing materials for the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
- 20) Construction of the replacement brass band building identified on approved drawing ref. 1073-M-BRB-01 Rev A, shall not take place until a scheme for protecting neighbouring properties from noise generated from the use of the building has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before

any part of the replacement brass band building is brought into beneficial use and retained thereafter.

- 21) The development hereby permitted shall not be occupied until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

- 22) The development hereby permitted shall not be occupied until a site-specific verification report, pertaining to the surface water sustainable drainage system, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.
- 23) The dwellings hereby permitted shall not be occupied until the bathroom, WC and shower room windows in their first-floor side elevations have been fitted with obscured glazing. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.
- 24) All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 25) Plot boundary enclosures shall be erected in accordance with the details on approved drawing ref: 1073-M-MB01 Rev L 'Materials & Boundary Treatment' prior to the occupation of any of the approved dwellings. Other boundary enclosures detailed on drawing ref: 1073-M-MB01 Rev L shall be erect in conformity with the approved details prior to substantial completion of the development hereby approved.
- 26) The 2.4m by 25m visibility splays shown on drawing 2443-F04 shall be kept free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.

Richborough

APPEARANCES

FOR THE APPELLANT:

Louise Leyland	PWA Planning
Stephen Donnan	Gondolin Land & Water

FOR THE LOCAL PLANNING AUTHORITY:

Kevin Foster	Head of Planning
Amy Aspinall	Principal Planning Officer
Mike Halsall	Principal Planning Officer
Mike Williamson	JBA Consulting
Emma Threadgold	Heritage Officer

INTERESTED PARTIES:

Cllr Alastair Bradley	Chorley S. East & Heath Charnock Ward Member, Executive Leader of Chorley Council
Cllr Samir Khan	Chorley S. East & Heath Charnock Ward Member
Cllr K Snape	Adlington and Anderton Ward Member
Cllr Graham Ashworth	Parish Councillor for Heath Charnock
Cllr Tim Blackburn	Chair Anderton Parish Council
Cllr Nicola Smith	Parish Councillor Anderton
Anna Basnett	Local Resident
Steve Basnett	Local Resident
Valerie Chamberlin	Local Resident
Lesley Holt	Local Resident
Sue Salmon	Local Resident
Bill Toward	Local Resident

APPEAL DOCUMENTS

Document 1 – Statement prepared by Lindsay Rutter (read in his absence)

Document 2 – Draft appeal condition in respect of retention of the boundary dry-stone wall (provided by the main parties)