



Appeal Decision

Hearing held on 7 and 8 July 2026

Site visit made on 8 July 2026

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2026

Appeal Ref: 6003578

Land to the south of Whittingham Lane and West of James Towers Way, Broughton, Preston

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended against a refusal to grant outline planning permission.
 - The appeal is made by Wainhomes NW Ltd against the decision of Preston City Council.
 - The application Ref is 06/2025/0519.
 - The development proposed is outline planning application seeking approval for access only from Whittingham Lane (all other matters reserved) for the erection of a care home (up to 4,700 sqm), a community building (up to 400 sq m), residential development (up to 167 dwellings) and land reserved for primary school with associated works to include landscaping and green infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for access only from Whittingham Lane (all other matters reserved) for the erection of a care home (up to 4,700 sqm), a community building (up to 400 sqm), residential development (up to 167 dwellings) and land reserved for primary school with associated works to include landscaping and green infrastructure on land to the south of Whittingham Lane and west of James Towers Way, Broughton, Preston in accordance with the terms of the application, Ref 06/ 2025/0519, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is in outline with all matters reserved except for that of access. An indicative site layout was submitted with the appeal documentation, and I have considered it on this basis.
3. The Council's Statement of Case indicates a site area of around 21.5 hectares. This is an error. The planning application form is clear that the site area is approximately 10.37 hectares.
4. Within an agreed timeframe after the event, the appellant submitted a Unilateral Undertaking. This document sets out a number of provisions to come into effect if the appeal is allowed. I return to this later in my decision.

Main Issues

5. The main issues in this case are:
 - whether the proposed development is in a suitable location for housing having regard to the development plan;

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- the effect of the proposal on the Area of Separation;
 - the effect of the proposal on highway safety with regard to the strategic, local and internal road networks.

Reasons

6. The appeal site forms a series of open fields running north to south for a distance of approximately 0.8 km to the west of James Towers Way, a bypass to Broughton village. To the east, the site is bounded by new residential development 'The Lawns', recently completed by the appellant, as well as the Marriot Hotel further to the south. Broughton in Amounderness CE Primary School and Broughton St John the Baptist Church lie to the south of the site. The site lies in open countryside outside the defined settlement boundary of Broughton in an Area of Separation (AoS). Access to the site is proposed off the existing spine road from Whittingham Lane which serves 'The Lawns', known as Rowan Close.
7. The development plan includes the Central Lancashire Core Strategy 2010-2026 (CS), the Preston Local Plan 2012-2026 Site Allocations and Development Management Policies (the LP) and the Broughton Neighbourhood Development Plan 2016-2026 (the NP).
8. The emerging Central Lancashire Local Plan 2023-2041 (CLLP) was submitted for examination in June 2025. The examination is still ongoing. A Post Hearing letter was published by the Examining Inspectors in March 2026, raising a number of matters which the Council are addressing. The appeal site does not form an allocation in the draft plan. Given the stage at which the CLLP has reached, with issues still to resolve, the parties agree that it should attract only limited weight. I concur.
9. The Broughton NP was adopted in 2018 and a review is underway. Consultation in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 took place in December 2024. The Plan has been submitted to the City Council under Regulation 15 for consultation under Regulation 16. Again, due to the stage at which this document has reached, the parties agree it can only be given very limited weight. A view which I share.

Suitable Location for Development

10. CS Policy 1 Locating Growth sets out the spatial strategy for the Borough and focusses growth in the Preston/South Ribble area, settlements south of the River Ribble, Key Service Centres and Strategic sites, with some growth and investment in smaller rural and urban service centres. Broughton is defined as a smaller village where growth should typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
11. LP Policy EN1 concerns development in the open countryside and limits this to that needed for the purposes of agriculture or forestry or other uses appropriate to a rural area, the reuse of existing buildings and the infilling within groups of buildings in smaller rural settlements. In the Planning Statement of Common Ground, the Council and the appellant are in agreement that there is policy conflict with both CS Policy 1 and LP Policy EN1. I agree. The parties attribute different weight to this policy conflict. I discuss this further in the planning balance.

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12. In regard to the policies of the Broughton NP, Policy RES1 allocates three sites for residential development one of which is 'The Lawns' immediately to the west of the appeal site. The NP states that housing proposals will be determined in accordance with policies in the CS and the LP as amended and augmented by the NP Policies. As the appeal site is not one of the three identified sites, the scheme conflicts with this Policy.
 13. The emerging NP Policy RES1.1 identifies the appeal site for residential development and Policy ICF1 identifies part of the northern section of the site for community uses. As this Plan is still in draft form, and there are issues in relation to conformity with the emerging CLLP, which does not allocate this site, it can only attract very limited weight. It is still however, a material consideration.
 14. Bringing all the above together, I conclude that the appeal site does not form a suitable location for development having regard to the policies of the development plan.

Area of Separation

15. The appeal site lies in an AoS designated under CS Policy 19. The policy states that the purpose of the AoS is to protect the identity, local distinctiveness and green infrastructure of settlements, in this case Broughton, and to ensure that those places at greatest risk of merging are protected and environmental / open space resources are safeguarded. Policy EN4 of the LP identifies the AoS between Broughton and the urban area of Preston on the Policies Map. It sets out that development will be assessed in terms of its impact upon the AoS including any harm to the effectiveness of the gap between settlements and the degree to which development would compromise the function of the AoS in protecting the identity of settlements.
16. It was confirmed at the hearing that the Council are not objecting to the proposal on landscape impact grounds but are concerned about undermining the purpose and function of the AoS.
17. The emerging CLLP extends the AoS across a greater geographical area than the current adopted LP and is supported in the evidence base by a Landscape Assessment¹ document and an Open Land Designations Study. The latter document sets out that the AoS between Broughton and Preston is of moderate strength due to a number of factors. These include the M55 which forms a physical barrier along the northern edge of Preston, the Blundell Brook and its vegetated valley, the visual separation provided by hedgerows and mature woodland in the gap itself, and trees and high hedgerows lining Garstang Road screening development along the road and maintaining a sense of rural separation.
18. It is important to have regard to the fact that since the AoS was designated in the 2012 CS and 2015 LP, there have been a number of residential developments permitted within this area to the south of Broughton. The bulk of the appeal site lies in the gap to the east of this new development and west of James Towers Way. Extending in this direction would not in my view impact negatively on the function of the AoS. The southern most extent of the proposed development is broadly in line with the southernmost extent of this new development. The

¹ Open Land Designations Study Landscape Assessment Oct 2022 and Open Land Designations Study Appendix C- Areas of Separation Assessment Oct 2022

proposed scheme would not project further south than the Marriot Hotel or the new developments at Pinfold Manor or Sandy Gate Lane.

19. The distance between the southern edge of the appeal site and the northern boundary of the urban area of Preston would be around 450 metres. Looking at the AoS as a whole, should the development proceed, this would form the narrowest gap between the two settlements.
20. On plan, this reduced gap would suggest that the function of the AoS would be undermined by the appeal proposal, particularly as this area includes significant built development, including properties on Garstang Road, the Broughton and District Club, the Marriot Hotel, the church and associated car park as well as the primary school. However, it is also important to consider how the AoS is actually experienced.
21. Traveling from the roundabout at the motorway junction onto James Towers Way, there is a feeling of leaving the urban area of Preston. The character of the area distinctly changes to one of more open fields with existing vegetation and trees. The Blundell Brook and associated woodland add to this more rural character and provide screening to the church and development west of Garstang Road, with glimpses of the buildings possible particularly in the winter months when the trees are not in leaf.
22. Once over the bridge across the Brook, the southern end of the appeal site would be visible. Due to the rising topography at this point, the proposed development would come into view. A landscape buffer is proposed along the eastern site periphery varying in width from 24 to 42 metres, which would assist to screen the development and provide filtered views. Further north up James Towers Way, the vegetation to the west of the road has become reasonably well established since the completion of the road in 2017, and once fully mature, would provide a good screen to the development as it extends to the east of the village.
23. I also take account of the fact that the southernmost part of the appeal site is intended to provide the school car park and would not form built development. With proposed landscaping this would assist to maintain the sense of openness of this part of the AoS.
24. Turning to the experience from Garstang Road, leaving the roundabout junction heading north, there is a clear feeling of leaving the urban area of Preston. Since the completion of the bypass, Garstang Road has become much quieter with significantly less traffic. Whilst there are buildings both sides of the road, including the church and the school, they are set back with intervening landscaping and trees giving a more rural feel. The road itself has a verdant character, lined with mature trees and hedgerows.
25. There are open fields to the north of the church and to the west of the road. Travelling further north, the Marriot Hotel is located to the east and the Ambulance Station to the west. Due to their set back from the road as well as their open setting and landscaped frontages they still retain a rural character. The view north from this point remains one of a verdant rural road with the only built development being a large residential property to the east, No 410. These factors come together to give a sense of being outside the urban area of Preston in a gap between settlements.

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26. The set back of the proposed development, the topography of intervening land and the presence of existing trees and hedgerows, means that in my view, the appeal proposal would not be visible from Garstang Road. The proposal would therefore have no effect on the open character of the AoS or the visual separation of the settlements at this point.
 27. In summary, the proposal lies to the east of Broughton village and would be contained to the east by James Tower Way. Existing and proposed planting would over time filter views of the development from this highway. From this position to the east of the site, the proposal would not be perceived to have an impact on the AoS to the south.
 28. On plan, should the appeal scheme proceed, the AoS would be reduced in extent. However there remains a clear and distinct feeling of leaving the Preston urban area, experiencing a gap before entering Broughton village. I accept that this is more readily experienced from Garstang Road, however the sense of a gap is still evident on James Towers Way.
 29. Given the above, I conclude that the function and effectiveness of the AoS, to prevent the settlements of Preston and Broughton from merging and provide a clear visual separation, would be maintained.
 30. The appeal proposal would comply with CS Policy 19 and LP Policy EN4 which seek to protect the identity of settlements.

Highway safety

Strategic Road Network

31. A Statement of Common Ground has been agreed with National Highways in respect to the impact of the proposed development on the M55 Junction 1. National Highways have also provided a Position Statement setting out their views. There remains one area of dispute, whether the motorway junction currently suffers from high levels of congestion impacting on junction reliability for all modes.
32. Whilst the appellant initially used a net impact assessment, I consider the use of a micro simulation model as required by National Highways to be an appropriate methodology to assess traffic impacts.
33. The impact of the development on M55 J1 has been modelled using National Highway's VISSIM Model. This found that the proposal would worsen existing queues on all arms of the junction on the east bound and west bound off slip in the morning peak, on the A6 northbound in the evening peak and on the A6 southbound in the morning peak. Increased pedestrian movements as a result of the development, whilst not modelled, could lead to further delays and increases in queue lengths.
34. I am advised that at the time of the assessment, there was a faulty pedestrian detector on the eastbound off slip. This has undoubtedly affected the findings in regard to queuing on this arm of the roundabout. A replacement detector, with the pedestrian phase only applying on demand, instead of at each cycle, would likely result in reduced queuing at this point and improve the operation of the junction.
35. The data and my own experience of the junction, demonstrate that there is significant congestion and queueing during the weekday AM and PM peak

periods. I disagree with the appellant that this queuing does not constitute a high level of congestion. Taking account of traffic growth associated with LP sites and commitments, I consider that the proposal would worsen the operation of the junction, with potentially longer queues on the off slips.

36. The appellant considers that signal timings could be optimised to better balance the junction queues, so that there would be no unacceptable impacts. Nevertheless, the appellant has agreed to the request from National Highways to a contribution of £85,000 to the emerging M55 J1 improvement strategy. On this basis National Highways support the development.
37. With this contribution secured through a planning obligation, I conclude that the appeal proposal would be acceptable in terms of its effect on the strategic road network.

Local Road Network

38. The appeal proposal is forecast to generate 83 two-way trips in the AM peak and 87 two way trips during the PM peak. The submitted Transport Assessment demonstrates that assessed nearby junctions, the A6/Garstang Road, A6/Whittingham Lane, A6/D'Urton Lane and the site access, will continue to operate within capacity with the proposal.
39. The proposed development would not give rise to significant traffic impacts nor severe residual cumulative impacts on the local road network. Therefore, in this regard, the proposal would be acceptable complying with the objectives of paragraph 116 of the National Planning Policy Framework (the Framework) and CS Policy 2 which seeks to ensure that any highway impacts are appropriately mitigated.
40. A public right of way passes through the appeal site, which the site layout would need to accommodate. A contribution to off-site public right of way improvements is requested by the local highway authority, which can be secured through a planning obligation.

Spine Road

41. The appeal site is to be accessed from the approved spine road off Whittingham Lane serving 'The Lawns', Rowan Close. This route includes a pedestrian footway to its western side and a 0.5 metres wide highway service strip with no footway on the eastern side. There is dispute between the parties as to whether a footway/verge is necessary to the eastern side of the road.
42. The appeal site is located to the east of the main village centre where there is a supermarket and other facilities including the Broughton High School. It is therefore logical to assume that the pedestrian desire line would be in this direction. The existing footway to the western side of the spine road provides for these movements. I accept that a resident living towards the lower end of the proposed development would need to cross the spine road to access the western footpath but would need to do so even if an eastern footpath was provided.
43. It is notable that there are four pedestrian access points leading to and from the appeal site. This includes the spine road itself and an access through to the adjoining development leading to Garstang Road. A pedestrian link is also proposed to King George's Playing Field from the adjoining development,

facilitated by a footbridge. All these connections would give access to the village and the High School. To the south, the upgraded public right of way provides further access.

44. Walkers wishing to go east from the appeal site and access the other side of the bypass have two potential route options. Firstly, walkers would turn left out of the spine road and then cross Whittingham Road using the pedestrian crossing proposed in the appeal scheme. This would give access to the existing footway on the northern side of Whittingham Lane leading to a controlled toucan crossing point at the north side of the bypass roundabout. This route is also a cycleway providing a safe crossing point for all users.
45. The alternative would be to turn right out of the spine road and head east towards the southern arm of the bypass roundabout. There is no footway along this section of Whittingham Lane only a cycleway. This would involve crossing the bypass at an uncontrolled point. There is also no continuous footway on the southern side of Whittingham Lane so that walkers would need to cross the road to the northern side again without the benefit of a controlled crossing. These movements would be significantly more dangerous for a pedestrian than using the controlled crossing to the north of the bypass.
46. Installing a footway to the eastern side of the spine road has the potential to encourage pedestrians to try to cross the bypass at the southern end, which as described above, would raise pedestrian safety concerns.
47. I acknowledge that an eastern footway may provide access to the allotments, care home and community centre for residents within the development. As submitted pedestrians would have to cross from the western side of the spine road to gain access. The submitted parameter plan indicates a pedestrian/cycle route through the open space to the rear of the proposed dwellings running parallel to the bypass. At the hearing the appellant indicated that this could be extended north to give an attractive pedestrian route to these facilities from within the site. Such provision would also enable residents of the care home to access the community centre and allotments in a safe manner without having to cross over to the other side of the spine road and cross back again. This could be the subject of a condition requiring details of a scheme to be submitted at reserved matters stage.
48. In support of their view that an eastern footway should be provided, the highway authority has raised concerns about the adoption of the highway, though the Authority recognise that this is not a planning matter. This is therefore not a consideration for this appeal, and I do not address this in my decision.
49. The Highway Authority confirm in their Position Statement that absence of the eastern footway does not result in severe residual cumulative impacts, contrary to paragraph 116 of the Framework. The footway is referred to as a design principle, a detailed matter which in their view would negatively impede the use of the development by users. However, as I have discussed above, the appeal scheme would have multiple pedestrian accesses leading to the village and its facilities. The introduction of a footway to the eastern side of the spine road would have the potential to encourage pedestrians to turn right and try to cross the bypass to the south of the roundabout where there is no formal crossing point. This would lead to safety issues.

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50. I recognise that an eastern footway along the highway verge would benefit residents of the development in accessing the proposed care home, community centre and allotments. As discussed above, a suitable alternative route can be provided from within the development as a continuation of the footpath proposed through the open space area, thereby removing the need for pedestrians to cross from the western side of the access road.
51. Accordingly, I conclude that an eastern footway to the spine road is not required. The proposal would not give rise to highway safety issues and would comply with the objectives of the Framework and CS Policy 3 and LP Policy ST2 which seek to promote active travel and reduce the need to travel by car.

Other Matters

Transfer of land to the Primary School

52. The appeal scheme reserves land for the primary school. This is proposed to be used for staff car parking, outdoor learning such as Forest school and outdoor play and sport. I observed at my site visit the very narrow access to the school down Church Lane, the difficulty in turning and manoeuvring and the limited on site car parking. School staff and parents can make use of the church car park, but this is not in the school's control and can on occasion be unavailable if there is an event at the church.
53. Parents parking on Garstang Road is an existing problem raising highway safety issues. I observed the no parking cones put in place from Church Lane to the church car park entrance. I am aware that there are expansion plans for the school with a further 7 classrooms on the site, increasing the pupil numbers from 245 to 420. This means that the school will go from one form entry to two form entry, with around 60 staff. This was granted planning permission in 2025 on the basis that the church car park would be adequate for the additional staff and parents. I understand that to address on street parking concerns, this scheme includes a requirement for bollards along Garstang Road from James Towers Way up to no.410 Garstang Road. However, this is likely to displace parents parking.
54. It is proposed that land be transferred to the County Council for a nominal fee on the grant of planning permission. This is secured through a Unilateral Undertaking. The proposed transfer would assist to provide further dedicated staff parking, freeing up space in the church car park, providing the ability to move staff cars from the front of the school alleviating Church Lane. It would also provide a further safe pedestrian access to the school for pupils from the appeal proposal and the adjoining residential development.

Community Centre and Allotments

55. The proposal also includes the provision of land for a community centre. It is proposed that the land be transferred to the Parish Council, who have the funding to erect a modular building for community use. I understand that currently places in the village for community events or meetings are very limited. The Parish Council currently have the Toll Bar Café and access to the Scout Hut. However, these are not large buildings and cannot accommodate larger events. The Broughton and District Club is a building that can be used but this is privately run and is not always available due to other activities.

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56. The village has grown significantly since the bypass was constructed with the population rising from 1,723 in 2017 to 2,471 in 2021. The population will continue to grow on the back of other approved development. The 2021 census indicates a percentage rise in under 16's from 15% in 2017 to 25% in 2021. There is clearly an increasing need for this community facility. It could hold Parish Council meetings, public meetings, social events, and be used for educational purposes. The proposed facility would be in an accessible location in the village, in walking distance and accessible by public transport. There is also sufficient land for a car park and associated green space.
57. The provision of a community centre has been an aspiration of the community for some time. I recognise that future residents of the appeal scheme would benefit from such provision as well as the wider community. As I have already discussed, the review of the Neighbourhood Plan identifies this site for a community use. I understand that alternative locations for a community centre have been explored but there are no other realistic options.
58. The proposal would comply with the Framework which encourages the provision of community facilities and CS Policy 25 which recognises that new community facilities may be needed in areas where a significant amount of new housing is proposed.
59. The appeal scheme would also provide allotments which would be managed by the Parish Council. I understand there is a long waiting list for plots in the parish. This provision would be supported by CS Policies 23 and 25 and the Framework paragraph 96, which recognise the recreational and health benefits of such provision.

Care Home

60. The appeal scheme proposes the development of a care home providing around 72 bed spaces. There is currently no other such facility in Broughton itself though there are 'Over 60's apartments near Broughton crossroads. The provision of a care home in Broughton would enable current residents to stay in the village when they need additional support. The proposed site is in an accessible location, close to the village centre, in walking distance for many existing residents and accessible by public transport.
61. There is disagreement between the parties about the quantitative need for a care home. The City Council's Housing Need and Demand Assessment (HNDA) 2024 concludes that there are sufficient C2 residential care bedspaces in Preston up to 2041. The appellant disagrees with this assessment arguing that the HNDA does not differentiate between C2 nursing care and C2 residential care. It is silent on the need for nursing care bed spaces, suggesting a potential shortfall of future C2 care home provision.
62. There is no standard methodology to calculate the size type and tenure of specialist older persons accommodation. The Council's HNDA is in my view unclear as to whether all future C2 needs have been assessed.
63. The appellant also assesses the qualitative need for care bed spaces in particular the provision of single persons occupancy bedrooms with ensuite accommodation, which would be a reasonable minimum expectation. The appellant provides an analysis of current provision in Preston to demonstrate that not all care homes,

particularly those in older premises or in converted buildings, are able to provide this in all rooms. Applying this criterion would increase the number of bed spaces required. I have no other substantive evidence before me to doubt this assessment.

64. I note that there is another care home under construction at Sandy Lane, Lower Bartle which would provide for local needs. This has not been included in the appellants assessment. Nevertheless, I recognise that there is a growing aging population, and a range of care needs will need to be accommodated. The appeal scheme would contribute towards meeting these. The proposed care home would provide high standard modern facilities and comply with LP Policy 25 which seeks to ensure that local communities have sufficient community facility provision to meet demonstrable need.

Planning Obligation

65. As I have already outlined above, the appellant has submitted a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 which makes provision for obligations relating to a range of matters. These include the provision of 35% affordable housing and the submission of a scheme for public open space and its future management and maintenance. Provision is also made for financial contributions towards primary and secondary education, the M55 J1 Improvements Strategy, off site public right of way improvement, and also monitoring for biodiversity gain land implementation and management; and monitoring the Employment and Skills Statement and Method Statement.
66. The Undertaking also makes provision for transfer of land for the community centre and allotments to the Parish Council and also the transfer of land to Lancashire County Council to secure improvements at the Primary School.
67. I am satisfied that the above obligations meet the tests in the Framework and regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). They are needed to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind. I have therefore taken them into account in my decision.

Planning Balance

68. I have found conflict with CS Policy 1 and also with LP Policy EN1. CS Policy 1 sets out the spatial strategy, where development will be directed and Policy EN1 supports this by providing policy guidance for development in the open countryside. The CS was adopted in 2012 when national planning policy and the demographic context were significantly different. The settlement boundaries of Broughton are clearly out of date, with significant growth having taken place over the last 10 years or so with the completion of the bypass. The emerging CLLP seeks to address this. It also recognises that Broughton has changed and is now a higher order settlement, defining it as a Tier 4 Rural Local Service Centre when in the adopted CS it was identified as a Smaller Rural Village.
69. Despite the changing context of Broughton, neither the Framework or the evidence before me, indicates that the spatial strategy, and therefore CS Policy 1 and LP Policy EN1, is out of date. These policies should therefore be given full weight in the planning balance .

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70. The parties agree that CS Policy 4 which identifies the housing requirement over the Plan period is out of date. The proposal also conflicts with NP Policy RES1 as it is not an identified residential site.
 71. CS Policy 19 and LP Policy EN4 relate to the AoS. I have found that whilst the AoS would be reduced to the north of M55 J1, it would not result in the merging of the settlements of Preston and Broughton. The effectiveness of the AoS to maintain the identity of Broughton village would not be undermined.
 72. Turning to the benefits of the proposal, the scheme would provide 119 market houses. I note that the emerging CLLP seeks to provide only 80% of local housing need. I do not challenge the justification for this in this decision and note that the examining inspectors have accepted this position in their Post Hearing Advice letter. Nevertheless, the provision of further housing in the appeal scheme, would contribute to the identified housing need in Preston over the Plan period. I therefore attribute significant weight to this benefit.
 73. Turning to affordable housing, the appeal scheme would meet the policy requirement to provide 35% affordable housing, a total of 58 units. The appellant has provided detailed evidence to demonstrate the acute need for affordable housing in Preston. The HNDA 2024 illustrates a shortfall of affordable housing with around 61% of the need being met. The Council does not dispute this evidence. Accordingly, the appeal schemes contribution to this need attracts significant weight.
 74. I also recognise the economic benefits arising from the development both during the construction phase but also once the development is occupied with new residents supporting the village services and shops. The appellant quantifies this, indicating that there would be 188 person – years of direct employment and a further 233 person-years in indirect and induced employment. Once occupied it is also estimated that resident expenditure of around £4.7 million per annum would be generated. The proposed care home would also provide employment further contributing to the local economy. As some of these benefits are for a temporary period only such as during construction, and would emanate from any new residential development, I attribute moderate weight to them overall.
 75. The social and community benefits of the proposal include the provision of the care home, the community centre, allotments and the provision of land to support the Primary School, providing car parking and also outdoor education space. Cumulatively, I attribute substantial weight to these benefits.
 76. I note that the proposal would on the basis of indicative landscape plans, generate 12.64% net gain in habitat unit and 46.56% net gain in hedgerow units. This biodiversity net gain is a mandatory requirement of the Environment Act. As it exceeds the 10% net gain minimum requirement, I attribute limited weight to this benefit.
 77. There would be an absence of significant landscape harm, as evidenced by the submitted LVIA . It is notable that the Council raise no objections on these grounds. The appeal site is in an accessible location on the edge of Broughton, within walking distance of the village facilities and served by public transport.
 78. The appellant has challenged whether the Council can demonstrate a five year

supply of deliverable housing land. The latest Council's Housing Position Statement states that a 5.48 years supply can be demonstrated, whilst the appellant considers that only a 4.01 year supply is available.

79. Regardless of whether there is a five-year housing land supply, applying a flat balance, I conclude that the benefits of the proposal outweigh the policy harm I have identified. Therefore, it is not necessary for me to assess housing supply in detail, as even if I found that there was a shortfall and the tilted balance was engaged, I would come to the same conclusion. The material considerations in this case, indicate that the proposal should be determined other than in accordance with the development plan.

Conditions

80. The Council and the appellant agreed a set of conditions that were discussed at the Hearing. I have considered all the conditions in light of the advice within the Framework, and I have revised some of them to avoid duplication or in the interests of clarity and enforceability.
81. It is necessary to impose conditions setting out time limits for development and the submission of reserved matters (conditions 1 and 2). Condition 3 relates to the approved plans and is necessary for the avoidance of doubt.
82. Condition 4 is necessary to require the submission of a phasing plan to ensure development proceeds in accordance with the approved plans and provides an effective and coordinated development. To safeguard future users of the site from land contamination, condition 5 is required to secure site investigations, remediation and verification and to address any unforeseen contamination that may arise during the development.
83. A series of conditions are necessary to ensure a sustainable surface water drainage scheme, to require a verification report to confirm that it has been appropriately implemented, to manage surface water during construction, to ensure that there is no encroachment of the development into areas of the site at highest risk of flooding and to ensure the drainage scheme is maintained. (Conditions 6, 7, 11, 18 and 20).
84. Condition 8 is necessary to require a Construction Environmental Management Plan to minimise the environmental impacts of construction on local amenity, biodiversity and the surrounding area.
85. In the interest of highway safety, condition 9 is required to ensure that off-site highway improvement works are implemented. In addition, for the same reason condition 12 is necessary to require the submission of proposed arrangements for the future management and maintenance of streets. I also impose condition 13 requiring details of road construction and lighting to safeguard the appearance of highway infrastructure and protect the visual amenity of the locality.
86. In the interests of biodiversity and ecology, condition 10 requires a method statement outlining preventative measures for protected species. For the same reason, condition 19 requires a Biodiversity Enhancement Plan for each phase and condition 21 requires a Biodiversity Gain Plan. Condition 22 seeks details of a Habitat Management and Monitoring Plan to ensure the delivery of Biodiversity Net Gain on the site. Condition 16 is required to secure an Arboriculture Impact

Assessment and Tree Constraints Plan to ensure the protection of existing trees. Condition 24 is necessary to ensure the protection of birds during the nesting season .

87. To improve local skills and ensure economic inclusion in accordance with the Council's Employment Skills Supplementary Planning Document, Condition 14 is required.
88. Conditions 15 and 25 are necessary to require details of ground levels and finished floor levels as well as traffic noise mitigation measures to safeguard the amenity of future occupiers. I also impose condition 17 to require the submission of a lighting scheme in public areas to ensure the amenities of future occupants and wildlife are not adversely affected by external lighting.
89. Finally in the interest of promoting sustainable travel, a travel plan and cycle storage facilities are required by conditions 23 and 26 respectively. Condition 27 is an additional condition discussed during the hearing to secure connectivity from the development to the care home and community building. As submitted this condition only referred to pedestrians. I have added reference to cyclists as the parameter plan indicates the proposed connecting route to the south would cater for both users.
90. I do not impose three other conditions suggested by the Council and statutory consultees. The first one requires the reserved matters scheme to be in general accordance with the approved parameter plan. This is not necessary because the scheme is required to be in accord with the parameter plan in condition 1. The second suggested condition restricts the floor areas of the care home and community centre. Again, this is not necessary as the floor areas are defined in the description of development.
91. The Highway Authority requested a condition to restrict the hours of deliveries to the approved development to non-peak hours between 9.30am and 2.30pm, Monday to Friday. As drafted the condition is ambiguous and imprecise as it is unclear if it relates to the construction phase only or post completion of the development in which case it would restrict deliveries to the care home. Either way it would be difficult to enforce. I therefore do not impose it.

Conclusion

92. For the reasons given above and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Vincent Fraser KC	Kings Chambers, Instructed by Emery Planning on behalf of Wain Homes (NW) Ltd
Gareth Salthouse	Director, Emery Planning
Stephen Harris	Joint Managing Director, Emery Planning
Ben Pyecroft	Senior Director, Emery Planning
Nic Folland	Landscape Architect, Barnes Walker
Jamie Roberts	Tetlow King Planning
Iain Warner	Senior Director, Tetlow King Planning
Amjid Khan	Director of Transport, Tetra Tech
Matt Thompson	Tetra Tech
Richard Jones	Head of Buildings, Diocesan Board of Education
Matthew Symons	Representative of LNT Care Developments

FOR THE LOCAL PLANNING AUTHORITY

Patrick Marfleet	Principal Planning Officer
Drew Gough	Strategic Site Development Officer

INTERESTED PARTIES

Pat Hastings	Chair, Broughton Parish Council
Richard Heath	Broughton Parish Council

DOCUMENTS SUBMITTED

1. Statement from Mr Jones, Diocesan Board of Education.
2. Email from appellant dated 24 July 2026 including a further condition with regard to pedestrian connectivity to the care home and community building.
3. Final signed and dated Unilateral Undertaking.

Richborough

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby approved shall be carried out in accordance with the following plans: LP02 (Location Plan), 003 P03 (Site Access Drawing), PP01 Rev. D (Parameters Plan).
- 4) No development shall commence until a phasing plan identifying all phases of development has been submitted to and approved in writing by the Local Planning Authority. The development will only be carried out in accordance with the agreed phasing plan.
- 5) No development in any phase (as identified in the approved Phasing Plan) shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority for that phase:
 - a) A detailed Phase II Site Investigation shall be carried out to address the nature, degree and distribution of any contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property;
 - b) A Remediation Strategy, if recommended by the above Phase II Site Investigation, which details the remedial measures to be implemented within the site; and
 - c) On completion of the remedial works, the developer shall submit to the Local Planning Authority written confirmation in the form of a Validation Report that all works were completed in accordance with the above agreed Remediation Strategy.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of each phase of the development.

If during development, contamination not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement.

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- 6) No development shall commence in any phase (as identified in the approved Phasing Plan) until a detailed and final Surface Water Sustainable Drainage Strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy shall be based on the site-specific Flood Risk Assessment ('Flood Risk Assessment - HYD915_WHITTINGHAM.LANE_FRA-1.0 - Betts Hydro Consulting Engineers - 23/05/25') and indicative Surface Water Sustainable Drainage Strategy ('Drainage Management Strategy - HYD915_WHITTINGHAM.LANE_DMS-1.0 - Betts Hydro Consulting Engineers - 23/05/25'), and shall demonstrate compliance with the principles and requirements of the National Planning Policy Framework, Planning Practice Guidance, and the latest published version of the National Standards for Sustainable Drainage Systems (or any successor Standards in force at the time of submission). It shall also demonstrate how sustainable drainage system features have been designed to deliver multifunctional benefits in relation to water quality, amenity, and biodiversity.

Surface water and foul water drainage shall be drained on separate systems. No surface water runoff from the development shall be discharged to a foul sewer(s), either directly or indirectly.

The strategy shall confirm and evidence the final allowable peak discharge rates and runoff volumes, following completion of all detailed design work and site investigations to confirm and refine early design assumptions.

The submitted strategy shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control for the following events:
 - i. The 100% (1 in 1-year) annual exceedance probability event, including a 10% urban creep uplift factor
 - ii. The 3.3% (1 in 30-year) annual exceedance probability event, including a 45% climate change allowance and a 10% urban creep uplift factor
 - iii. The 1% (1 in 100-year) annual exceedance probability event, including a 50% climate change allowance and a 10% urban creep uplift factor .

Calculations must cover the entire development area, including all proposed surface water drainage systems up to and including the final discharge location(s).

- b) Final sustainable drainage plans, appropriately labelled to include:
 - i. Site plans showing all permeable and impermeable areas contributing to the surface water drainage network, either directly or indirectly, including the entire development area and any off-site flows where relevant.
 - ii. Drainage layout plans showing all pipe and structure references, dimensions, and design levels, including all proposed surface water drainage systems up to and including the final discharge location.

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- iii. Details of all sustainable drainage features, including landscape drawings showing topography and slope gradients.
 - iv. Site plans showing modelled flood water depths, volumes and exceedance flow routes and flow velocities for rainfall events exceeding the 1% (1 in 100-year) annual exceedance probability event, or due to a blockage. The strategy shall demonstrate that flood risk is not increased on-site or elsewhere, informed by a blockage assessment for all flow controls.
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels. The strategy shall confirm that FFLs have been set to provide a minimum 150mm freeboard above adjacent ground levels.
 - vi. Final details of proposals to manage surface water runoff to and from the development boundary, including measures to manage surface water runoff from adjacent land that could flow onto the site during storm events, and to ensure runoff leaving the site does not occur in an uncontrolled manner.
 - vii. Measures to manage the quality of the surface water runoff to prevent pollution and, protect groundwater and surface water bodies. The strategy shall include a robust water quality risk assessment, proportionate to the pollution hazard and sensitivity of receiving waters, and shall inform the design of an appropriate SuDS management train.
- c) Evidence of an assessment of the site conditions. This should include geotechnical investigations and seasonal monitoring, to confirm test locations, infiltration rates and groundwater levels, carried out in accordance with Digest 365 Soakaway Design (Building Research Establishment).
 - d) Evidence of an assessment of the receiving watercourse to confirm its condition and capacity to accept surface water runoff from the development at the proposed discharge rate and runoff volume.
 - e) Evidence that a free-flowing outfall can be achieved. Where this is not possible, the strategy shall demonstrate that the drainage system has been assessed for performance under surcharged outfall conditions and will continue to function without increasing flood risk.

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

- 7) No development shall commence in each relevant phase (as identified in an approved Phasing Plan) until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on that phase 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 plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

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- 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 plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

- 8) No development shall commence in each relevant phase (as identified in an approved Phasing Plan) until a construction and environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that Phase. The CEMP shall provide for:

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

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

- 9) No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The highway works shall include:

- a. A pedestrian crossing over Whittingham Lane
- b. Upgrades to PROW FP0604004 within the site curtilage. All works within the site, including diversions will be funded by the developer as part of the S278.
- c. 'Keep Clear' road markings on Whittingham Lane at the access road junction.

The approved scheme shall be implemented in accordance with a timetable approved by the Local Planning Authority.

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- 10) No development shall commence in each relevant phase (as identified in an approved Phasing Plan) until a method statement outlining preventative measures (Reasonable Avoidance Measures) for that phase, to ensure protection of amphibians and hedgehogs, has been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall then be adhered to throughout the construction phase.
 - 11) The operator shall ensure there shall be no encroachment of the SUDS pond or above ground surface water drainage infrastructure and associated land raising in Flood Zone 2 or 3. The operator shall ensure that all surplus soil, subsoil and material excavated in the course of the activity is permanently removed and deposited outside of fluvial Flood Zone 3.
 - 12) No development shall commence in each relevant phase (as identified in the approved Phasing Plan) until details of the proposed arrangements for future management and maintenance of the proposed streets for that phase has been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
 - 13) No development shall commence in each relevant phase (as identified in the approved Phasing Plan) until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
 - 14) The development hereby approved shall be carried out in accordance with the submitted Employment Skills Statement. An Employment Skills Action Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any above ground works commencing on site which sets out how the Employment Skills Statement will be implemented. It should include the contact details of a named person responsible for the delivery of the Employment Skills Statement, and details of the reporting method and reporting timetable. The Action Plan must contain the information to be provided to Calico Enterprise Ltd to demonstrably evidence that the outcomes of the Employment Skills Statement have been achieved.
 - 15) Any application for approval of reserved matters for layout, scale and/or design shall be accompanied by full details of existing and proposed ground levels and proposed building finish floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on the previously submitted plan(s). The development shall only be carried out in conformity with the approved details.
 - 16) Any application for approval of reserved matters for layout shall include an Arboricultural Impact Assessment and Tree Constraints Plan detailing existing trees and hedges to be retained and those to be removed. The Report shall also detail protection measures for trees, shrubs and hedges identified as being retained and the development shall be carried out in accordance with the approved details.

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- 17) Prior to first occupation of any part of the development hereby approved in each relevant phase (as identified in an approved Phasing Plan), an external lighting scheme for public areas for that phase shall be submitted to and agreed in writing by the Local Planning Authority. External lighting in public areas shall only be installed in accordance with the approved scheme(s) and shall thereafter be retained as approved. No additional external lighting outside the curtilage of dwellings shall be installed without prior written consent from the Local Planning Authority.
- 18) The occupation of any relevant phase (as identified in the approved Phasing Plan) shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, 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, including all watercourses and their ownership;
 - 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.

- 19) Prior to first occupation of any part of the development hereby approved for each relevant phase (as identified in the approved phasing plan), a Biodiversity Enhancement Plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 20) The occupation of any relevant phase (as identified in the approved Phasing Plan) shall not be permitted until a site-specific verification report for that phase, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, 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.

- 21) The Biodiversity Gain Plan (as required by the 'Statutory Biodiversity Condition'), shall be prepared in accordance with the Biodiversity Net Gain Baseline and Biodiversity Gain Plan submitted with the planning application.
- 22) No development shall commence until a Habitat Management and Monitoring Plan (the HMMP) has been submitted to and approved in writing by the Local Planning Authority including:
 - a. a non-technical summary;
 - b. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c. the timeframe for the start of the habitat management and monitoring works and a programme for the completion of such works as defined by clause (e);
 - d. the planned habitat creation and enhancement works to create or enhance habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - e. the definition of the completion of development i.e. when the 30 year management and monitoring period starts;
 - f. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - g. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority;
 - h. the procedure(s) in the form of a remediation and reinstatement methodology for addressing a failure to manage and maintain the full extent of habitat(s) to the specified condition(s) at any point in time over the period of the HMMP.

The created and/or enhanced habitat specified in the latest approved HMMP shall be managed and maintained in accordance with the latest approved HMMP.

- 23) No building or use hereby permitted shall be occupied or use commenced within each relevant phase (as identified in the approved phasing plan), until a Travel Plan for that phase comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.
- 24) There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections that have first been submitted to and approved in writing by the Local Planning Authority.

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- 25) The development hereby approved shall be carried out in accordance with the recommendations at Section 8 of the Road Traffic Noise Assessment by Martec Environmental Consultants Ltd (ref: 20250430 782 Broughton 8233-9).
 - 26) Garage wall hanging cycle storage suitable for 2 bicycles shall be provided within each garage associated with any dwelling with a separate secure cycle storage facility, suitable for two bicycles being provided for units without a garage.
 - 27) Any application for the approval of reserved matters for layout shall be accompanied by details showing how the development will secure connectivity for pedestrians and cyclists between the care home, community building and residential elements of the development hereby approved. The development shall thereafter be constructed in accordance with the approved details.

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