



# Summary Planning Proof of Evidence of Stephen Harris BSc Hons MRTPI

Appeal for up to 100 dwellings – Chain House Lane,  
Whitestake, South Ribble

for Wainhomes (North West) Ltd

PI Ref: APP/F2360/W/19/3234070

LPA ref: 07/2018/9316/OUT

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Project : 18-294  
Site address : Chain House Lane,  
                  Whitestake  
Client      : Wainhomes (North West)  
                 Ltd  
  
Date        : February 2021  
Author      : Stephen Harris

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## 1. Introduction

- 1.1 This Summary Proof of Evidence has been prepared on behalf of Wainhomes North West Limited (hereafter referred to as the Appellant) following the refusal of a planning application by South Ribble Borough Council, reference 07/2018/9316/OUT for the erection of up to 100 dwellings with access and associated works.
- 1.2 This appeal is the subject of a redetermination in light of the original decision being quashed due to legal errors. In this Proof of Evidence I will demonstrate that the reasons for refusal are not justified and planning permission should be granted accordingly. In coming to that conclusion I also refer to the separate Housing Supply Proof of Evidence of my colleague Ben Pycroft.
- 1.3 The Council has agreed that Reason for Refusal 3 can be withdrawn. Therefore this evidence deals with Reasons for Refusal 1 and 2 as well as the issues raised by third parties.

## Qualifications

- 1.4 I am Stephen Andrew Harris. I am a Chartered Town Planner with over 21 years' experience in private practice. I am a Director of Emery Planning Partnership, based in Macclesfield, Cheshire.
- 1.5 I am instructed by the Appellant and am familiar with the site and the details of the case.
- 1.6 I have considerable experience in dealing with housing and sustainability matters, including sites across the North West. I am familiar with the policies of the development plan, including the housing requirement and locational policies. Emery Planning was instructed by Wainhomes to make representations and attend the examinations for both the Central Lancashire Core Strategy and South Ribble Local Plan.
- 1.7 I rely upon the background information set out in the Statement of Common Ground (SoCG) and only repeat it where it is necessary to develop the case. I also provide a separate summary and set of appendices. A core document list is included within the Statement of Common Ground (SoCG).
- 1.8 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and

that the opinions expressed are correct, and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.

- 1.9 My evidence addresses the reasons for refusal against the following three propositions.

## 2. Proposition 1

### **The appeal site should be released now to assist in meeting the housing needs of South Ribble Borough Council**

- 2.1 Reason for Refusal 1 states that:

*"The application site is allocated as Safeguarded Land through Policy G3 of the South Ribble Local Plan. The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the Council can demonstrate a 5 Year Housing Supply"*

- 2.2 There are two key issues in addressing this reason for refusal, these being:

- Can the Council demonstrate a 5 year land supply?
- If it cannot, should the appeal site be released for development?

- 2.3 The evidence of Mr Pycroft concludes that applying the requirement in Policy 4, the LPA can demonstrate a 2.99 year land supply. The LPA accepts that if Policy 4 applies it has a 3.8 year supply. Therefore the tilted planning balance would apply and it is common ground that Policy G3 would be out of date.
- 2.4 If contrary to the Appellant's evidence, the 5 year supply is calculated using LHN, the LPA would be able to demonstrate a 5 year supply, with Mr Pycroft calculating 9.97 years and the LPA 12.7 years. Even so, it is common ground that Policy G3 is out of date and the tilted planning balance is applied. Therefore the tilted balance is engaged regardless of whichever scenario is used to calculate the housing supply.
- 2.5 Whilst it is agreed that Policy G3 is out of date, it is also agreed that Policy G3 is not disapproved and the main issue between both parties is the weight to be given to the benefits and adverse impacts.
- 2.6 In that context, paragraph 6.20 of the LPA's Statement of Case sets out three distinct reasons why conflict with Policy G3 should be afforded substantial weight. They are:

- 1) the current housing need in South Ribble and the housing land supply position.
- 2) consistency of Policy G3 with NPPF Paras 139(c) and 139(d); and,
- 3) the nature of the different distribution between JCS Policy 4(a) and the LHN requirement.

2.7 I disagree with the LPA's case for the following reasons.

2.8 On (1), my evidence is:

- The LPA cannot demonstrate a 5 year supply;
- If all commitments are built as the LPA expect, they will be 453 dwellings short of meeting their development plan requirement at 2026;
- The site is located in an area for growth in the adopted development plan where allocated sites have not delivered as expected and the appeal site, adjacent to Site EE and S2 is the most logical location to meet those needs in this location now in a location that has been safeguarded for development.
- There is a significant shortfall in the delivery of affordable housing which will continue to persist due to a lack of supply.

2.9 On (2), my evidence is:

- The post 2018 Framework appeal decisions across the country demonstrate that safeguarded land should be released if there are material considerations which outweigh the harm.

2.10 On (3), my evidence is:

- application of the standard method results in a radically different distribution of housing across the housing market area when compared to that contained within Core Strategy Policy 4; and,
- applying LHN is significantly at odds with the distribution of people, jobs and services and will result in unsustainable growth in Central Lancashire.

2.11 Applying the LPA's position on Policy G3 would in my view add harm by failing to meet the housing needs in the area and not following the spatial distribution in the CLCS. This is supported by paragraph 6.7 of MoU states that "*applying the standard method figure to each individual authority, as calculated, would be significantly at odds with the distribution of people, jobs and services*".

- 2.12 Therefore the conflict with policy G3 would result in limited harm; harm which is more than outweighed by both the very significant benefits being delivered and the absence of constraints. On that basis Reason for Refusal 1 cannot be sustained.

### 3. Proposition 2

#### **The proposed development would not prevent the comprehensive delivery of development in the area**

- 3.1 Reason for Refusal 2 states that:

*"The proposal by virtue of its nature, scale and degree of permanence would be contrary to Policy G3 of the South Ribble Local Plan as the development would harm the ability of the Council to manage the comprehensive development of the area. Therefore the scheme would not amount to a sustainable form of development."*

- 3.2 The most fundamental point is that the only issue the LPA raises is that if the site is "developed in isolation it would restrict the ability to provide a more comprehensive, well planned form of development particularly given the irregular shapes of land that would be left". I do not consider that the development of the site would prejudice the ability for a well-planned form of development.
- 3.3 The LPA give no evidence as to why it would. For example if the development of this site prejudiced the other parcels of land then there may be merit in the concern. However for this site that cannot apply as the access arrangements have been agreed with Homes England and accepted by the highway authority.
- 3.4 The other harm identified is the irregular shapes of land that would be left. I do not agree that this would cause any prejudice and as noted in the Planning Statement and subsequent submissions to the Council the Appellant has worked with Homes England to overcome their initial objection. In light of the revised Illustrative Masterplan and the revised access arrangements submitted on the 26<sup>th</sup> April 2019, Homes England withdrew their objection. Notwithstanding, the Appellant has continued to discuss the wider site and an Illustrative Layout has been prepared covering the land in the control of Homes England and the Appellant. This is **Appendix SH1**. This demonstrates that the appeal proposal would fit seamlessly into the wider parcel of land and enable a comprehensive development to be provided. Should the appeal be allowed then the Appellant would work with Homes England on the detailed design.

- 3.5 The LPA's Statement of Case refers to the land to the east. However the key issue on this point is would a masterplan if prepared for S3 change how the appeal site or indeed the land to the east would be accessed or planned for? In my view the answer is no and even if the land to the east was developed it is not connected to the urban area as the eastern boundary is the railway. That site, like the appeal site would be accessed onto Coote Lane/Chain House Lane and/or Church Road.
- 3.6 I also respectfully disagree that development of this site would represent a disconnected pocket of housing in this otherwise currently undeveloped area. The aerial photograph in my evidence shows that the wider area between Longton and Lostock Hall is typified by frontage development, ribbon development and pockets of development. The development of this site, even if the surrounding landholdings are not developed for a few years until they obtain consent would not cause any meaningful harm to the wider area.
- 3.7 Therefore I consider that there is no harm arising from developing the appeal site and any harm if evidenced is limited and short term and should not be used a reason for delaying helping to meet the significant housing needs as I now set out.
- 3.8 The evidence prepared for the Central Lancashire authorities demonstrates that there is a good supply of employment land to 2034 and further land that may be required should be at other locations. This is seen in the Central Lancashire Employment Land Study – Key Issues Report.
- 3.9 Therefore there is no evidence that the appeal site or indeed the wider parcel of safeguarded land (S3) is required in the short, medium or long term for employment land. Should employment or any other form of development be required this can be considered through the plan review and allowing this appeal now would cause no prejudice as I now explain.

#### Prematurity

- 3.10 The five parcels of safeguarded land listed in Policy G3 total 97 hectares. Therefore the appeal site is 3.7% of the safeguarded land in the plan and this cannot be considered to be so substantial, or its cumulative effect would be so significant to raise any prematurity point.
- 3.11 It is clear that a new local is still several years away from adoption and it is my position that releasing this 3.6 hectare site now to meet the shortfall in housing delivery would not prejudice the emerging local plan which will review and plan for the comprehensive development of South

Ribble, Preston and Chorley. At a more local level there would be no harm from the release of this site now to the delivery of the other land allocated or safeguarded in the development plan.

- 3.12 On that basis Reason for Refusal 2 cannot be sustained.

## 4. Proposition 3

**There are no site specific issues and the proposal is a sustainable development**

- 4.1 A number of concerns have been raised by third parties to the application and appeal. Whilst these are not issues between the LPA and the Appellant, each are addressed which establish that there are no site specific issues that would prevent the site from coming forward for development.

## 5. Summary and conclusions

- 5.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 The policies contained within the development plan are the starting point in decision-taking. The Framework constitutes an important material consideration in determining applications and establishes the Government's views of what sustainable development means in practice for the planning system. It also sets out the circumstances when paragraph 11(d) is engaged.
- 5.3 For decision-taking, the Framework requires Local Planning Authorities to approve development proposals that accord with the development plan without delay and where the plan is absent, silent or policies are out of date, approve planning permission unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.4 It is common ground that Policy G3 is out of date and the tilted planning balance in paragraph 11(d) of the Framework is engaged. Permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed6 ; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## **The Planning Balance**

### **Tilted Balance**

5.5 To significantly and demonstrably outweigh the benefits is a deliberately very high threshold, hence the term 'the tilted balance'. In the case of this appeal, the proposal would result in a number of benefits.

### **Social**

- The delivery of housing to contribute towards meeting the housing needs of Preston. I rely on the evidence of Mr Pycroft on this issue. I consider that the LPA has unreasonably given limited weight to the provision of the new homes proposed. In the context of "*the government policy imperative is to boost the supply of housing*"<sup>1</sup>, this is a benefit of significant weight.
- The delivery of affordable housing to help meet borough wide levels of identified future and previously unmet needs. I rely on the evidence of Mr Pycroft on this issue which sets out the need. This is a benefit of significant weight.

### **Environmental**

- The proposal would result in net overall biodiversity benefits. This is a benefit of limited weight.

### **Economic benefits**

- the creation of jobs in construction and the supply chain. This is a benefit of limited weight.
- housing economically active people to meet the district's economic aspirations and jobs growth targets and increased household spending in the local area. This is a benefit of limited weight.
- The bus contribution of £150,000 to support the continued 114 service between Preston and Chorley for 5 years; and £6,000 contribution towards cycle parking enhancements at Lostock Hall train station should be given moderate weight.

5.6 The LPA give three reasons why substantial weight should still be given to Policy G3. They are:

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<sup>1</sup> Land off Audlem Road/Broad Lane, Stapeley, Nantwich

- 1) the current housing need in South Ribble and the housing land supply position.
- 2) the consistency of Policy G3 the NPPF Paras 139(c) and 139(d); and,
- 3) the nature of the different distribution between JCS Policy 4(a) and the LHN requirement.

5.7 On (1), my evidence is:

- The LPA cannot demonstrate a 5 year supply;
- If all commitments are built as the LPA expect, they will be 453 dwellings short of meeting their development plan requirement at 2026;
- There is a significant shortfall in the delivery of affordable housing which will continue to persist due to a lack of supply.
- I consider that the LPA has unreasonably given limited weight to the provision of the new homes proposed. Even if the LPA can demonstrate a 5 year supply, in the context of "*the government policy imperative is to boost the supply of housing*"<sup>2</sup> and the obligation of the City Deal, this is a benefit of significant weight.

5.8 On (2), my evidence is:

- The post 2018 Framework appeal decisions across the country demonstrate that safeguarded land should be released if there are material considerations which outweigh the harm.

5.9 On (3), my evidence is:

- application of the standard method results in a radically different distribution of housing across the housing market area when compared to that contained within Core Strategy Policy 4; and,
- applying LHN is significantly at odds with the distribution of people, jobs and services and will result in unsustainable growth in Central Lancashire.

5.10 Applying the LPA's position on Policy G3 would in my view add harm by failing to meet the housing needs in the area and not following the spatial distribution in the CLCS. This is supported by paragraph 6.7 of MoU states that "*applying the standard method figure to each individual authority, as calculated, would be significantly at odds with the distribution of people, jobs and services*".

5.11 Policy G3 states that "*Planning permission will not be granted for development which would prejudice potential longer term, comprehensive development of the land*". The appeal site is

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<sup>2</sup> Land off Audlem Road/Broad Lane, Stapeley, Nantwich

part of the wider allocation of safeguarded land (Site S3 South of Coote Lane, Chain House Lane, Farington) and the proposals have been prepared to ensure that there is no prejudice to that wider parcel of land which is controlled by Homes England coming forward at a later date. The Appellant and Homes England have prepared a joint masterplan for the wider site which confirms that there would be no prejudice. In addition the masterplan agreed with Homes England ensures that the land to the north of Chain House Lane can be accessed.

- 5.12 The remainder of Site S3 to the east is divorced from the appeal site and Homes England site by roads and the railway which are clear barriers. Each parcel can be developed without impacting others and can be masterplanned separately. Even so, the provision of the footpath links and the bus stop under this proposal would integrate with the land to the east. Therefore the LPAs concern on site S3 being planned comprehensively is unnecessary and unfounded.
- 5.13 To conclude, the conflict with policy G3 would result in limited harm; harm which is more than outweighed by both the very significant benefits being delivered and the absence of constraints. On that basis Reason for Refusal 1 cannot be sustained.

### **Flat Balance**

- 5.14 Notwithstanding the point as to the tilted balance being engaged which is my primary case, it is considered that the limited harm arising from the proposed development would be outweighed by the benefits of the scheme. Planning permission is therefore considered to be justified based on the general planning balancing exercise i.e. 'other material considerations' as per Section 38 of the Planning and Compulsory Purchase Act 2004. This position is supported by the Pear Tree Lane decision where the Inspector at Pear Tree Lane did engage with the traditional, or 'flat' planning balance (i.e., if the tilted balance were not engaged). This would have to include that the LPA could demonstrate a 5 year supply. The Inspector was clear that the grant of planning permission would still be justified. He states:

*"Even if I were to conclude that the 'tilted balance' was not engaged in this case, applying the 'flat balance' under section 38(6), I find that the significant benefits of the proposal in addressing housing needs in Chorley would outweigh the harm due to the conflict with Policy BNE3 and its effects on the landscape, visual amenity and the significance of the heritage asset. As such the material considerations would still warrant a decision other than in accordance with the development plan. Accordingly, the appeal should be allowed."*

- 5.15 The approach taken by the Inspector for the Pear Tree Lane appeal decision should be noted where the benefits were given significant weight and the safeguarded land would have been released on the flat balance. For the reasons on housing need that Mr Pycroft sets out I consider this should also apply to this site.
- 5.16 I can therefore conclude that whether the tilted planning balance is engaged or not, in accordance with the presumption in favour of sustainable development, planning permission should be allowed for the proposed development.