

# PRESTON CITY COUNCIL



**TOWN AND COUNTRY PLANNING ACT 1990**

## **SUMMARY PROOF OF EVIDENCE**

**OF**

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**PLANNING POLICY TEAM LEADER**

**PRESTON CITY COUNCIL**

**Appeal Site:** Dean Farm, 150 Whittingham Lane, Broughton, Preston,  
PR3 2JL

**Appeal Proposal:** Outline planning application seeking approval for  
access only for residential development of up to 32no. dwellings (all  
other matters reserved)

**Appeal By:** Community Gateway Association Ltd

**Inspectorate Ref:** APP/N2345/W/21/3278556

**Preston City Council Ref:** 06/2020/0977

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# 1 INTRODUCTION

1.1 I am Christopher Blackburn. I am employed as Planning Policy Team Leader for Preston City Council, and have been employed by the Council in that or other posts for over 12 years. I have been a Chartered Town Planner (MRTPI) since 2014.

1.2 My evidence is concerned with;

- the Council's housing requirement and five year supply position, with reference to Paragraphs 61, 74 and 75 of the National Planning Policy Framework (subsequently referred to as the "Framework");
- the status of the most important Development Plan policies for determining this appeal and the weight to be attributed to the same;
- whether or not the "tilted balance" as set out in Paragraph 11 of the Framework is engaged for the purposes of this appeal;
- the weight to be attributed to the most important Development Plan policies in the alternative i.e. should the Inspector conclude (contrary to the Local Planning Authority's (LPAs) case) that the "tilted balance" is engaged for reasons not connected to housing land supply; and,
- observations relating to other matters including the relevance of City Deal and CS Policy MP/Local Plan Policy V1 in decision-making.

## **2 HOUSING REQUIREMENT**

- 2.1 CS Policy 4 contains the housing requirement for each of the Central Lancashire authorities for the plan period. CS Policy 4 provides for a minimum of 507 net additional homes per annum in Preston and 417 net additional homes per annum in both South Ribble and Chorley.
- 2.2 The Central Lancashire authorities commissioned GL Hearn in 2016 to undertake a Strategic Housing Market Assessment (SHMA) which subsequently led to a decision to retain the housing requirement figures and distribution in the form of a Memorandum of Understanding (MOU1) in October 2017.
- 2.3 Whilst the Council accepts that, for the purposes of Paragraph 74 and Footnote 39 of the Framework, the process the Central Lancashire authorities undertook in entering into MOU1 was a 'review' of CS Policy 4, the introduction, and application in Preston of, the standard methodology to calculate LHN in 2018 represents a significant change in circumstances.
- 2.4 Following publication of the Central Lancashire Housing Study the Central Lancashire authorities entered into a second MOU (MOU2) in April 2020. Upon approval of MOU2, MOU1 was superseded and became redundant.
- 2.5 During June and July 2020 MOU2 was subject to scrutiny at a public inquiry held in Chorley. In light of this appeal decision, this Council's Cabinet made a decision on 4 November 2020 to authorise the Council's immediate withdrawal from MOU2. From this point MOU2 was disregarded by the Council in the decision making process.
- 2.6 Whether CS Policy 4(a) is out of date is not, therefore, answered by Paragraph 74. This is an issue which requires a planning judgment.

## 2.7 In conclusion:

- CS Policy 4 was adopted in 2012.
- The housing requirement contained within CS Policy 4 corresponds to that set out in the RS, based on household growth projections from 2003, using trends from 1998-2003.
- The RS was adopted in 2008, prior to the economic downturn, and abolished in 2013.
- The revised Framework, published in July 2018, introduced the standard methodology into national policy, the application of which represents a significant change in circumstance in Preston and is the means by which the Government seeks to boost the supply of housing across the country.
- MOU1 was replaced by MOU2 in April 2020, albeit this process was not a Paragraph 74 and Footnote 39 review.
- The Council withdrew from MOU2 in November 2020 and from that time it was disregarded for the purposes of decision making. The decision about using LHN as the basis for the calculation of five year housing land supply remains.

### **3 HOUSING LAND SUPPLY POSITION**

- 3.1 At April 2021 **the standard methodology local housing need figure for Preston is 254 net additional homes per annum**. Against a local housing need over the period April 2021 to March 2026 of 1,334 net additional homes, the Council can currently demonstrate **a 15.3 year** supply of deliverable housing land.
- 3.2 Against the CS Policy 4 housing requirement over the period April 2021 to March 2026 of 3,321 net additional homes the Council can currently demonstrate **a 6.1 year** supply of deliverable housing land.
- 3.3 Therefore, for the purposes of this appeal it is accepted and agreed that there is no avenue into the “tilted balance” for reasons connected to housing land supply.

#### 4 DEVELOPMENT PLAN (MOST IMPORTANT POLICIES)

- 4.1 The main purpose of CS Policy 4 is to establish the housing requirement for the Central Lancashire authorities. For this reason, I come to the conclusion that the policy, when read as a whole is out of date.
- 4.2 The most important policies for determining this appeal are not, collectively, out of date for reasons which are not connected to housing land supply.
- 4.3 CS Policy 1 deals with the spatial strategy for growth in Central Lancashire. CS Policy 1 does not give rise to conflict with any specific part of the Framework, or the Framework taken as a whole. CS Policy 1 attracts full statutory weight in the determination of this appeal.
- 4.4 Policy EN1 restricts development which takes place within the open countryside and constrains the release of open countryside land for housing development. Policy EN1 does not give rise to conflict with any specific part of the Framework, or the Framework taken as a whole. Policy EN1 attracts full statutory weight in the determination of this appeal.
- 4.5 The current standard methodology local housing need figure for Preston is 254 net additional homes a year. This is approximately half of the level of housing growth a year planned for in the Local Plan. Against the standard methodology local housing need figure the Council can, at April 2021, demonstrate a **15.3 year** supply of deliverable housing land.
- 4.6 The spatial strategy, CS Policy 1, the settlement boundaries and Policy EN1 remain up to date and consistent with the Framework because there is no need for housing in locations proposed by this appeal, which proposes significant numbers of market housing outside a small rural settlement.
- 4.7 CS Policy 4 is out of date on the whole, and should not, insofar as establishing the housing requirement for Preston, attract any weight in the determination of this appeal. CS Policy 1 and Policy EN1 however are not out of date; do not

give rise to any conflict with the Framework; and, consequently attract full statutory weight in the determination of this appeal.

- 4.8 Neither CS Policy 19 nor Policy EN4 place any further restrictions on the types of development permitted within the open countryside over and above that provided by the spatial strategy encapsulated by CS Policy 1 and Policy EN1. There are no direct conflicts between CS Policy 19 and Policy EN4 with a specific part of the Framework, or the Framework taken as a whole. As such, they remain sound and relevant and attract full statutory weight in the determination of this appeal.
- 4.9 The conflicts between CS Policy 7 and the Framework would, in certain circumstances, reduce the weight which the policy attracts. The policy is not, on the whole, out of date. CS Policy 7 attracts significant weight in the determination of this appeal.
- 4.10 CS Policy 3 is not out of date, accords with the Framework and therefore attracts full statutory weight in the determination of this appeal.

## **5 WHETHER THE “TILTED BALANCE” IS ENGAGED**

- 5.1 For reasons which relate to housing land supply, it is agreed that the “tilted balance” is not engaged.
- 5.2 The “basket” of most important policies for the determination of the appeal is comprised of seven Development Plan policies, namely; CS Policies 1, 3, 4, 7 and 19 and Policies EN1 and EN4 of the Local Plan.
- 5.3 Considering the “basket” as a whole, only one of the seven most important Development Plan policies for determining the appeal is out of date. The policies which are not out of date are policies which go to the heart of the principle of the development proposed by the appeal. Accordingly the “tilted balance” is not engaged for the purposes of determining this appeal.
- 5.4 If the “tilted balance” applies for reasons not connected to five year supply, it is considered that CS Policy 1 and Policy EN1 would continue to attract significant weight in the application of the “tilted balance”. CS Policy 19 and Policy EN4 would also continue to attract significant weight in a “tilted balance” scenario. Furthermore, given the nature of both CS Policies 3 and 7 and the fact they do not have a direct role in the provision of housing, they would also attract significant weight in a “tilted balance” scenario.

## **6 OTHER MATTERS OF RELEVANCE**

- 6.1 The City Deal is not part of the statutory Development Plan (it is not a planning policy); does not contain a housing requirement for the purposes of Paragraphs 60 and 61 of the Framework, or at all; is not a spatial policy, it does not specify where housing growth should take place (rather it quite clearly defers the matter to the statutory Development Plan); and, pre-dates the Local Plan – the Local Plan was submitted in July 2014, examined in October 2014 and adopted in July 2015 and was therefore prepared, examined and adopted in the light of City Deal.
- 6.2 CS Policy MP and Policy V1 are in direct conflict with the Framework and are therefore out of date and carry no material weight in the determination of this appeal.

## 7 CONCLUSIONS

### 7.1 In conclusion:

- CS Policy 4 is out of date, specifically in relation to the housing requirement it contains for Preston.
- CS Policy 4 has been subject to a 'review' for the purposes of Paragraph 74 and Footnote 39 of the Framework, in 2017.
- The introduction and refinement of the standard methodology in the 2018/2019/2021 versions of the Framework introduced a new method to calculate local housing need.
- Applying the standard methodology in Preston results in a significant difference between the housing requirement in CS Policy 4(a) and the local housing need figure, which amounts to a significant change in circumstances rendering CS Policy 4, and specifically the housing requirement contained within CS Policy 4, out of date.
- The Council therefore assesses its housing land supply against the standard methodology local housing need figure and is entirely justified to do so. Against this figure the Council can, at April 2021, demonstrate **a 15.3 year** supply of deliverable housing land.
- Aside from CS Policy 4 the most important Development Plan policies for determining the appeal are not out of date, the "tilted balance" is not therefore engaged for reasons not connected to housing land supply and attract full statutory weight in the determination of this appeal (with the exception of CS Policy 7 which, due to conflicts with the Framework, attracts significant weight).
- If the "tilted balance" were to be engaged for reasons not connected to housing land supply, the most important Development Plan policies would still attract significant weight in the determination of this appeal given the Council's healthy housing land supply position.
- City Deal is not a reason to approve development contrary to the Development Plan and is a material consideration attracting little weight in the determination of this appeal.

- CS Policy MP and Policy V1 are in direct conflict with the Framework and are therefore out of date and carry no material weight in the determination of this appeal.