

# PRESTON CITY COUNCIL



**TOWN AND COUNTRY PLANNING ACT 1990**

## **PLANNING BALANCE PROOF OF EVIDENCE OF**

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(DEVELOPMENT MANAGAMENT)**

## **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 for up to 32no. dwellings (all other matters reserved)

**Appeal By:** Community Gateway Association Ltd

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

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

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## **1. INTRODUCTION**

- 1.1.1. I am Jonathan Evans, and I am employed as a Senior Planning Officer in Development Management at Preston City Council. I have a little over 7 years' experience in planning, including 4 years of Development Management and 3 years' experience providing Minerals and Waste Planning Policy support. I am a Licentiate Member of the Royal Town Planning Institute.
  
- 1.1.2. The Proof of Evidence I have prepared is concerned with the planning balance and reason for refusal 2 (accessibility), and this document is a summary of that evidence.

## **2. BACKGROUND**

2.1.1. The appeal is lodged by Community Gateway Association against the Council's decision to refuse outline planning permission for the erection of up to 32no. dwellings. All matters were reserved except for means of access. The planning application was refused for the following reason:

- i) The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development would be contrary to the hierarchy of locations for focussing growth and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in Policy 1 of the Central Lancashire Core Strategy, which seeks to limit development to small scale, infill development. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies), hence the loss of open countryside for the development proposed is contrary to that policy. Moreover, whilst it is acknowledged that the proposal comprises 100% entry-level homes, the need for such homes is already being met within the authority's area, hence the proposal fails to accord with paragraph 71 of the National Planning Policy Framework. The proposed development is contrary to Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the National Planning Policy Framework.

- ii) The application site is located in the open countryside as shown on the policies map of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). Due to lack of access to public transport and distance to local amenities, the proposed development would result in future residents being heavily reliant on private motor vehicles to access day to day amenities, which would not represent sustainable development. The need to promote sustainable development, set out in paragraph 8 of the Framework, involves bringing forward land of the right type in the right place with accessible services. By virtue of the location of application site, the proposed development would demonstrably fail to do this. The proposed development is contrary to Policy 3 of the Central Lancashire Core Strategy and the National Planning Policy Framework.
- iii) The indicative layout plan suggests the proposed development could achieve a density of around 32 dwellings per hectare. The existing density within the area is approximately 7.4 dwellings per hectare. The proposed density of the development would be substantially higher than that of the surrounding area and would result in a development that is incongruous in this rural area due to its suburban appearance. The proposed development is contrary to Policy 5 of the Central Lancashire Core Strategy and the National Planning Policy Framework.

2.1.2. After reviewing its case the Council decided that it will not seek to make a case based on the third reason for refusal. For the avoidance of any doubt, the Council will continue to defend reasons 1 and 2

### **3. THE DEVELOPMENT PLAN**

3.1.1. In relation to the matters covered within my evidence, the most relevant development plan policies for the determination of this appeal are:

- **Core Strategy Policy 1** – Locating growth
- **Core Strategy Policy 3** – Travel
- **Core Strategy Policy 4** – Housing delivery
- **Core Strategy Policy 7** – Affordable and special needs housing
- **Core Strategy Policy 19** – Areas of separation and major open space
- **Local Plan Policy EN1** – Development in the open countryside
- **Local Plan Policy EN4** – Areas of separation

#### **4. THE PLANNING CASE**

4.1.1. My evidence demonstrates that the principle of the proposed development of this site for up to 32no. dwellings would be contrary to Policy 1 of the Adopted Central Lancashire Core Strategy and Policy EN1 of the Local Plan, and this has been agreed by the appellant within the submitted Statement of Common Ground. The appeal proposal to date demonstrated that the site meets the definition of an Entry Level Exception Site in accordance with the requirements of Paragraph 72 of the National Planning Policy Framework.

4.1.2. With regards to accessibility my evidence demonstrates that the development is not readily accessible via alternative methods of travel and that the future site would therefore be reliant on the private motor vehicle, contrary to the aims of Core Strategy 3 and paragraphs 8, 9 and 110. Furthermore, a reliance on a private motor vehicle would place an additional financial burden on those requiring affordable housing to access the housing market and as such the appeal site is not in the right location contrary to the aims of the Framework. Even if paragraph 72 is engaged the Framework taken as a whole would not support this type of development being located at this site.

## **5. THE “NORMAL” PLANNING BALANCE**

- 5.1.1. Whilst my evidence has established that the proposal is contrary to Policies 1 and 3 of the Core Strategy, and Policy EN1 of the Local Plan, the proposal must still be assessed in respect of the statutory (“Normal”) planning balance within s.38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.1.2. My evidence goes through each of the “proposed” benefits and harms of this appeal proposal and attaches a level of weight to each of those benefits and harms based on my own assessment. For the reasons detailed in my evidence, it is considered that a number of the proposed benefits are either neutral or limited in weight, required to mitigate the impacts of the proposed development, required to meet specific policy requirements, or generic to any major development scheme that would be compliant with the adopted Development Plan.
- 5.1.3. As such my evidence concludes that the overall benefits of this proposal do not outweigh the identified conflict with the adopted Development Plan, specifically Central Lancashire Core Strategy Policies 1 and 3 and Preston Local Plan Policy EN1, and the limited visual harm arising from the development of a greenfield. There are no material considerations which justify a departure from the Development Plan and therefore in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal should be dismissed.

## **6. THE TILTED PLANNING BALANCE**

- 6.1.1. Christopher Blackburn's Proof of Evidence clearly sets out the Council's position in relation to its use of the standard methodology local housing figure to monitor its housing land supply position. Against this figure the Council can demonstrate a 15.3 year supply of deliverable housing, and for the avoidance of doubt a 6.1 year supply of deliverable housing land can be demonstrated against the Core Strategy Policy 4 requirement. These figures are not questioned by the appellant and therefore both parties agree that the "tilted" balance within Paragraph 11 of the Framework is not engaged for reasons relating to housing land supply.
- 6.1.2. With regard to the most important policies for determining this application, it has been accepted by both parties that these are Core Strategy Policies 1, 3, 4, 7 and 19 and Local Plan Policy EN1 and EN4. The Council acknowledges that Core Strategy Policy 4 is out of date, specifically in relation to the housing requirement it contains for Preston. However, this does not mean that the "tilted" balance is engaged as Core Strategy Policies 1, 3, 7 and 19 and Local Plan Policy EN1 and EN4 are not out of date. As such the Council consider that the "basket" of most important policies in the determination of this appeal is not out of date and the "tilted" balance is not engaged.
- 6.1.3. The appellant considers that the "titled" balance should be engaged due to reasons other than the lack of a deliverable five year supply and therefore my evidence also sets out the Council's position if the "tilted" balance was engaged for this reason.

6.1.4. My evidence establishes that if it is considered that Core Strategy Policies 1, 3, 4, 7 and 19 and Local Plan Policy EN1 and EN4 are collectively out of date and therefore the ‘tilted’ balance is engaged for that reason, as the Council can demonstrate a 15.3 year supply of housing using LHN (or 6.1 year supply using CS4) the contribution that the proposed development would make towards housing supply would not be significant and would attract only limited weight in the planning balance. The adverse impacts of granting planning permission contrary to the development plan, would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework when taken as a whole. Therefore, if it is considered that the most important policies for determining this appeal are out of date, the limited benefits of the proposal identified within the “Normal Planning Balance” section of my evidence would be significantly and demonstrably outweighed by the clear harm and conflict with the development plan and the Framework taken as a whole, as well as limited visual harm arising from the development of a greenfield site. Consequently, if the “tilted” balance was engaged for this reason, the Council duly considers that the appeal should be dismissed.

## **7. CONCLUSIONS**

- 7.1.1. The Council can demonstrate a 15.3 years supply of deliverable housing against the standard methodology local housing need figure, and 6.1 years against the Core Strategy Policy 4 figure. The “basket” of most important policies in the determination of this appeal is not out of date and as such the “tilted” balance is not engaged.
- 7.1.2. When applying s.38(6) Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan as a whole is up to date, save for Core Strategy Policy 4, and is consistent with the NPPF.
- 7.1.3. The proposal is contrary to CS Policy 1 and PLP Policy EN1, which is acknowledged by the appellant. In addition, the Local Planning Authority asserts that the proposal is contrary to CS Policy 3. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not be granted.
- 7.1.4. It is acknowledged that there are some benefits that would accrue from the proposal. However, these benefits do not outweigh the significant harm identified from the clear conflict with the Development Plan, as well as the limited visual harm arising from the development of a greenfield. There are no material considerations which indicate that a departure from the up to date Development Plan should be taken and in such circumstances the policies of the Development Plan should prevail in accordance with the plan-led system.

7.1.5. If the “tilted” balance within Paragraph 11 of the Framework were to be engaged because the most important policies for determining the appeal are considered to be out of date, as the Council can demonstrate a 15.3 (or 6.1) years supply of deliverable housing land the identified benefits arising from the proposed development would be significantly and demonstrably outweighed by the identified harm. The existence of the five year supply of housing land allows the decision maker to attach more weight to policies that are out of date than if the tilted balance was engaged for housing supply reasons.

7.1.6. In view of my evidence, and that provided by Christopher Blackburn and Dr Michael Bullock, it is respectfully requested that the appeal is dismissed.