

AN APPEAL RELATING TO THE PROPOSED DEVELOPMENT OF UP TO 110
DWELLINGS ON LAND AT HENTHORN ROAD, CLITHEROE, BB7 2PL

OPENING STATEMENT ON BEHALF OF THE APPELLANT

1. In an addendum to the Planning Statement of Common Ground, the parties agreed that the sole area of disagreement is whether the appeal scheme accords with the development plan in terms of the site's accessibility.
2. As a result of that agreement, if the conclusion reached is that the site is appropriately accessible by non-car modes, then it may not be necessary to grapple with the question of whether the LPA can demonstrate a 5 year supply of deliverable housing land. Nevertheless, the Appellant's case remains that the Council cannot demonstrate a 5 year supply.
3. There are no issues on the requirement side of the calculation. The parties agree that the Council needs to be able to demonstrate a deliverable supply of 2,077 dwellings, taking into account the shortfall in provision since the base date of the Core Strategy and also a 5% buffer.

4. The LPA's latest five year supply statement¹ says it has a deliverable supply of 2,543 units and Ms Horton's evidence continues to claim that as the deliverable supply².
5. However, that is not the Council's true position at this inquiry. That is because since producing that statement, the LPA has agreed that:
 - a. 15 units at a site at Worthall's Farm, Read, should be removed from the supply;
 - b. Ms Horton's evidence agrees with Mr Pycroft's contention that 50 units ought to be removed from the supply in relation to land off Waddington Road, Clitheroe; and
 - c. Ms Horton's evidence is that 10 units should be removed from the supply in relation to land to the south-west of Barrow and west of Whalley Road, Barrow.
6. Therefore, the Council's best case supply is $2,543 - 75 = 2,468$ units. With a five year requirement of 2,077 [415 dpa, rounded down], that is a best case for the LPA of 5.95 year supply.
7. The Appellant's figure for supply is 1,892 units or 4.56 years. The issues on supply are:
 - a. The build rates used by the LPA for the sites at Higher Standen Farm, Clitheroe and Chipping Lane, Longridge;

¹ CD5.02

² Proof page 5 §2.1.4.

- b. The lead-in times applied by the LPA in relation to a site south-west of Barrow and the site off Waddington Road, Clitheroe;
 - c. Whether the site for 24 units at Henthorn Road in Clitheroe is deliverable; and
 - d. The robustness of allowances for small sites.
8. All of these issues will be developed in the round table discussion. The Appellant maintains that there is not a deliverable five year supply. As a result, the tilted planning balance in the NPPF is engaged.
9. Mr Helme produces evidence that the site is accessible by non-car modes of travel. That ought not be a surprising contention in respect of a site on the edge of the Borough's largest settlement and which adjoins a site which gained planning permission on appeal and is across Henthorn Road from a site which Storey Homes is developing pursuant to a grant of planning permission which the LPA granted. Quite why those sites are sufficiently accessible, but the appeal site is not is not properly engaged with or demonstrated by Mr Plowman. Mr Helme presents detailed evidence on the accessibility of the site by foot, cycle and public transport to the town centre and other local facilities, and compares the site's attributes to applicable guidance. His evidence demonstrates that the site is not defective in access terms for people on foot, cycle and public transport (notwithstanding that the reason for refusal takes no issue with public transport provision). The Appellant contends that the site provides good access to facilities and services by non-car modes and that residents of the appeal scheme would not have to rely upon their private cars for travel.

10. Mr Helme has also produced a proof dealing with highway capacity and safety issues, responding to third party concerns, which shows that the appeal scheme would create no safety concerns and that any impacts on capacity would be far from meeting the threshold of a severe impact.
11. The Council has clarified that there are no other objections to the appeal scheme. In particular, it does not contend that the location of the site beyond the settlement limit of Clitheroe is a reason to withhold planning permission. That is a correct concession, as we will explain in closing. There are no other site specific concerns.
12. The appeal scheme would create significant benefits:
 - a. The provision of required market housing;
 - b. The provision of a policy-compliant level of much-needed affordable housing.

The Council has a shortfall in delivery in the Core Strategy period to date and it has no likely means of providing even the modest figure it uses to monitor affordable housing provision;
 - c. Provision of a policy-compliant proportion of housing for those aged over 55.

The Council has again identified an unmet need for such housing;
 - d. Biodiversity gains through the potential to carry out a high quality landscaping scheme as part of the development;

- e. Support for the number 2 bus service for a further five years beyond the support provided by the development of the neighbouring site; and
- f. Substantial economic benefits through construction spend, the creation of around 98 FTE construction jobs and 107 FTE indirect jobs over a three year construction period, the spending power of around 151 economically active residents who would be likely to spend around £2.8m annually in the local economy.

13. By contrast, the scheme creates no significant harm. The development would create the inevitable change to the landscape which accompanies any housing scheme, but the LPA has no objection to that. All of the legitimate requests for contributions or other mitigation will be made in the planning obligation.

14. The appeal scheme accords with the Development Plan, is sustainable development and ought to be allowed to proceed in the public interest without delay.

15. The Appellant will be asking for the appeal to be allowed.

MARTIN CARTER

Counsel for the Appellant

8th May 2019.

Kings Chambers

Manchester – Leeds – Birmingham.