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EP ref: 18-294

Stephen Harris  
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Dear Ms Lewis

Re: Chain House Lane APP/F2360/W/19/3234070 - Without prejudice save as to costs

I write further to the recent decision on the appeal with respect to Land at Cardwell Farm APP/N2345/W/20/3258889 and its implications for the conduct and determination of the above mentioned appeal which is due to commence tomorrow, Tuesday 16<sup>th</sup> March 2021.

There are two outstanding reasons for refusal to be considered at the forthcoming appeal. The first reason is 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 land supply”*. The reason for refusal is predicated upon the council being able to demonstrate a 5 year housing land supply.

It is common ground at the forthcoming appeal that the relevant strategic housing policy is Central Lancashire Core Strategy Policy 4 which was the subject of a review in 2017 and found not to require updating. It is furthermore common ground that the Council is unable to demonstrate a 5 year housing supply if the figures from that policy are used.

The same policy applies in the neighbouring areas of Preston City Council and Chorley Borough Council. The question of whether the figures from the Core Strategy should continue to be used for the purposes of calculating 5 year housing land supply was central to and fully argued at the recent appeal at Cardwell Farm. Having heard the arguments the Inspector came to a very clear decision

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that Core Strategy Policy 4 should be used for the purposes of assessing whether there is a 5 year supply of housing land (DL 40). Following that decision Chorley Borough Council has confirmed that its position is that Core Strategy Policy 4 should be used for the purposes of assessing 5 year housing land supply (a copy of a recent Statement of Case is attached). In paragraph 1.3 Chorley Council states:

*"1.3 The Appellant has contended that there is no 5 year housing land supply. The Council disagrees and the approach it adopts was confirmed to be correct in a decision in Preston dated 9th March 2021. The Council adopts the inspector's reasoning. There is a 5 year land supply."*

A major part of the Council's case has been the importance of determining cases on a consistent basis, and the Council's evidence highlighted the significance of the anticipated decision on the Cardwell Farm appeal. In the light of the decision in that appeal it is clear that Core Strategy Policy 4 should be used for the calculation of 5 year housing land supply and that accordingly the Council is unable to identify a 5 year supply of housing land. This is further emphasised by the importance attached by the Council in taking a consistent approach throughout Central Lancashire.

In the circumstances the Council's position on its first reason for refusal is unsustainable. It is anticipated that the majority of the time taken at the forthcoming inquiry will involve consideration of the issue of 5 year housing land supply which has been decisively determined by the Cardwell Farm appeal. Maintenance of the first reason for refusal and the need to consider these issues would clearly be unreasonable. I remind you that PPG 16-049 makes it clear that examples of unreasonable conduct leading to an award of costs include persisting with objections contrary to a previous decision of an Inspector and failing to determine matters in a consistent manner.

In the circumstances I would invite you to confirm that the Council now concedes the first reason for refusal and will no longer call evidence to defend it. This will save a considerable amount of time and expense that would otherwise be incurred at the forthcoming inquiry.

I would also invite the Council to reconsider its position with respect to the second reason for refusal which now falls to be considered not only in the context of the tilted planning balance under NPPF paragraph 11(d) but also in a situation where the Council has significantly less than a 5 year housing land supply.

In the event that the Council continues to contest this appeal it is the Appellant's intention to make an application for costs. Such an application will be made on the basis (a) that the Appellant should receive its full costs of contesting the appeal, and (b) that in any event there should be a partial award of costs arising from addressing ground 1 and 5 year housing land supply. This letter is written for the purposes of PPG 16-035 and will be brought to the Inspector's attention.

I would be grateful for your reply by return.

Yours sincerely  
Emery Planning

*Stephen Harris*

**Stephen Harris BSc (Hons), MRTPI**  
**Director**