

Proof of Evidence

For Wain Homes (North West) Ltd | 22-014

Appeal 3350503 - Land west of Mill Lane, Newton le Willows, St Helens



Project: 22-014
Site Address: Land west of Mill Lane, Newton le Willows, St Helens
Client: Wain Homes (North West) Ltd
Date: November 2024
Author: Stephen Harris

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1. Introduction

1.1 This Proof of Evidence is submitted on behalf of Wain Homes North West Ltd in support of their appeal against the decision of St Helens Council (the LPA) to refuse their application for the erection of 92 dwellings, access and open space.

Qualifications

1.2 I am Stephen Andrew Harris BSc (Hons) MRTPI. I have over 26 years' experience in private practice. I am the Managing Director of Emery Planning Partnership, based in Macclesfield, Cheshire.

1.3 I am instructed by the Appellant, and I am familiar with the site and the details of the case. I have considerable experience in dealing with housing and sustainability matters and am familiar with the policies of the adopted development plan.

Main Issues

1.4 The decision notice cites six reasons for refusal which my colleagues and I will address through the submission of written and oral evidence on planning, housing land supply, and landscape and visual impact. My evidence will also address issues raised during determination.

1.5 My evidence has been prepared on the basis of the Inspector's Main Issues as set out in the CMC note, which are as follows.

- i. the effect of the proposed development with regard to safeguarded land;
- ii. the effect of the proposed development on the character and appearance of the appeal site and surrounding area;
- iii. the effect of the proposed development with regard to the provision of public open space and the effect on the Local Wildlife Site, including future management and its function;
- iv. whether the proposed development would result in the unacceptable loss of trees;
- v. the effect of the proposed development with regard to flood risk; and
- vi. whether the proposed development would make adequate provision for contributions towards: education and the St Helens Local Cycling and Walking Infrastructure Plan.

1.6 Since the submission of the appeal the Council and the Appellant have worked constructively and as recorded in the Statement of Common Ground, reasons for refusal 2 (in part), 3, 4 and 5 have been overcome through the submission of additional information and revised plans. These revisions are to be



subject of consultation prior to the Inquiry as agreed at the Case Management Conference. This means that Main Issues iii, iv and v are not contested by either party and Main Issue vi is to be addressed by an agreed S106 agreement.

- 1.7 In this Proof of Evidence, I will demonstrate when assessing the proposal against the Inspector's Main Issues that the reasons for refusal are not justified and planning permission should be granted accordingly. In coming to that conclusion, I have taken account of the Proof of Evidence on Landscape and Visual Impact by Mr Nic Folland and the written statements from colleagues on ecology, drainage and access.
- 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, irrespective of by whom I am instructed.

Summary

- 1.9 Section 38(6) 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. The National Planning Policy Framework (the Framework) is a material consideration.
- 1.10 At the heart of the Framework, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. As set out in paragraph 11 of the Framework all housing proposals should be considered in the context of sustainable development. Paragraph 11 states that for decision-taking the presumption in favour of sustainable development means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission 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 proposed⁷; 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.

- 1.11 The appeal site is white land where I consider the principle of development is acceptable subject to compliance with other policies in the development plan. I accept that access to the site is proposed through land designated as safeguarded land in the adopted local plan and would conflict with criterion 3



of Policy LPA05 and the development plan when read as a whole. However, that conflict is limited as there is no material planning harm from the approval of this appeal as it would not prejudice the delivery of the safeguarded land given that that land would require the same access point as the proposed appeal and the route of the revised access road enables options for a layout once the site is allocated through a subsequent plan review or by way of an application.

1.12 On the positive side of the planning balance, the benefits are as follows:

- the delivery of housing would assist in boosting the supply of housing in St Helens which the LPA considers to be 6.38-year supply. I consider it is 4.83 years. The approval of this appeal for 92 dwellings would address the shortfall in supply and engage the tilted planning balance. However, the application was submitted on the basis that the LPA could demonstrate a 5-year supply after the adoption of the Local Plan, and I gave **Significant Weight** at that stage and that remains my position which is only reinforced by the WMS on 30th July and proposed changes to the Framework.
- the proposal would deliver 30% affordable housing which accords with Policy LPC02 and would assist in addressing the significant affordable housing need in the Borough. **Significant Weight.**
- the development would be in an accessible location that accords with the settlement hierarchy in LPA01 as it is a site at Newton le Willows which can accommodate the development scheme socially, economically and environmentally as sought by the Framework. **Significant Weight.**
- the development would provide a range of social and economic benefits, including construction jobs and increased spending for local services and facilities. **Limited Weight.**

1.13 On a flat planning balance, in the context of this range of substantial benefits would not be outweighed by the limited adverse harm from a conflict with criterion 3 of Policy LPA05 by developing part of the safeguarded land for an access road that does not prejudice that safeguarded land from coming forward at a later date. The absence of a 5-year supply would result in the engagement of the tilted planning balance which would mean the relevant policies being out of date with less adverse weight.

1.14 As I will set out in greater detail in this evidence, I consider that the appeal should be allowed.



2. Policy Context

Development plan context

2.1 The St Helens Borough Local Plan was adopted on 12th July 2022. The relevant policies are as follows:

- Policy LPA01: Presumption in Favour of Sustainable Development
- Policy LPA02: Spatial Strategy
- Policy LPA03: Development Principles
- Policy LPA04: A Strong and Sustainable Economy
- Policy LPA05: Meeting St. Helens Borough’s Housing Needs
- Policy LPA06: Safeguarded Land
- Policy LPA07: Transport and Travel
- Policy LPA09: Green Infrastructure
- Policy LPA11: Health and Wellbeing
- Policy LPC01: Housing Mix
- Policy LPC02: Affordable Housing
- Policy LPC05: Open Space
- Policy LPC06: Biodiversity and Geological Conservation
- Policy LPC08: Ecological Network.
- Policy LPC09: Landscape Protection and Enhancement
- Policy LPC10: Trees and Woodlands
- Policy LPC12: Flood Risk and Water Management
- Policy LPC13: Renewable and Low Carbon Energy Development.
- Policy LPC15: Waste
- Policy LPD01: Ensuring Quality Development
- Policy LPD02: Design and Layout of New Housing
- Policy LPD09: Air Quality

2.2 The policies of the new Local Plan replace all the policies in the St Helens Local Plan Core Strategy 2012 and the previously ‘saved’ policies of the St Helens Unitary Development Plan (UDP) 1998.



National Planning Policy Framework (The Framework) (July 2021)

2.3 Relevant chapters from this are listed below.

- Chapter 2 – Achieving Sustainable Development
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 Achieving Well Designed Places
- Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 - Conserving and Enhancing the Natural Environment

Consultation on changes to the Framework

2.4 The draft revised Framework was published for consultation on 20 July 2024. It sets out various changes to the Framework to boost housing delivery and economic growth. This includes changes to the presumption in favour of sustainable development, Green Belt policy and the standard method for calculating local housing need.

2.5 I consider that limited weight can be attached to the draft revisions to the Framework.

Written Ministerial Statement (WMS) 30 July 2024 (Appendix SH1)

2.6 Alongside the revised draft Framework, the Government published a WMS on 30 July 2024. This has the effect of Government policy and is therefore a material consideration in planning decisions with immediate effect.

2.7 The WMS states that the current standard method for calculating local housing need is “*not up to the job*”.

2.8 The WMS also states: “*There is no time to waste. It is time to get on with building 1.5 million homes*”.

2.9 The WMS is a material consideration in its own right (*Cala Homes (South) Ltd v Secretary of State [2011] EWCA Civ 639*) as is the draft Framework. I consider that the WMS should, as a statement of Government policy that is highly relevant to the delivery of housing be given significant weight in the determination of this appeal.



Letter from the Deputy Prime Minister to local authorities: “Playing your part in building the homes we need” (Appendix SH2)

- 2.10 Following the WMS, the Deputy Prime Minister wrote to local authorities in a letter dated 30th July 2024. The letter outlines a number of changes the government will make to achieve the delivery of additional housing.



3. Site and area description

- 3.1 The appeal site is located at Newton-le-Willows, which is a Key Settlement within the Borough as set out in Policy LPA01. The appeal (red edged) site is 5.03 hectares and is a triangular-shaped field of arable grassland with trees and some planting along the western boundary. The appeal site and the land edged blue is controlled by the Appellant and equates to an area approximately 12.83ha in size. The site falls within single ownership and our client has an option on it, and it is 'deliverable' for the purposes of the Framework.
- 3.2 In terms of its relationship to the surrounding area, the appeal site and land edged blue is bounded by existing residential development at Wayfarers Drive to the northern boundary, the West Coast Main Line and Mill Lane (A49) to the eastern boundary and Newton Brook, a wooded area of open space, to the western boundary. Mr Folland assesses the locational aspect of the appeal site and its relationship to the urban area to address the allegation that the site is isolated. His evidence states that an assessment of the appeal site needs to be taken on the ground and not from on plan and his conclusion in paragraph 13 states:

“As a result, I believe the Appeal Proposals are consistent with the character of the urban fringe townscape in their vicinity and rather than being isolated, I consider the proposed development would simply form a new area of development within the settlement area, that would be well related to existing development. Furthermore, this scenario would be further consolidated by future development on allocated land to the east (site 7HA) and future safeguarded land to the immediate north (5HS) and to the south (4HS).”

- 3.3 I agree that the locational aspect needs to be considered as Mr Folland sets out.

Relevant Planning History

- 3.4 Before the submission of the previous application, the Appellant submitted a pre-application enquiry (PRE/2021/0148/PREC) to the LPA and a response was received following a meeting on 26th January 2022.
- 3.5 Application P/2022/0575/FUL for the “Residential development for 99 dwellings including access, associated works and landscaping” was refused 8 December 2022. There were 8 reasons for refusal including highways and access concerns as well as landscaping, drainage, ecology, noise and air quality.
- 3.6 The appeal scheme was submitted for full planning permission for the construction of 99 dwellings with access, landscaping and open space. The proposed layout submitted with the application showed how the dwellings could be accommodated on the site having taken the environmental and technical factors into



account. All of the proposed dwellings within the appeal site would be served by a single access road which would be taken from Mill Lane. The main internal access road is shown on the layout in a north/south direction and has been designed so that it will integrate with the northern parcel when it comes forward for development. After revisions following determination the number of homes now proposed is 92.

3.7 The Appellant has an overall illustrative masterplan vision for the appeal site and the blue edge land (*Core Document 1.1.44*) for:

- Up to 300 homes comprising an appropriate mix of sizes and tenures.
- The delivery of affordable housing in accordance with planning policy requirements.
- Appropriate access for vehicular traffic and pedestrians.
- Provision of a comprehensive landscaping plan for the retention and enhancement of landscape features, such as trees, and the provision of soft landscaped buffer areas to the western boundary of the site towards Newton Brook.
- Contributions to local infrastructure where appropriate and in accordance with planning policy requirements.

3.8 Granting planning permission for the appeal would not prejudice the safeguarded land coming forward at the appropriate time under Policy LPA05.



4. Housing Land Supply

Housing Supply

- 4.1 Paragraph 76 states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing when their adopted plan is less than five years old. The adopted Local Plan was adopted in July 2022. However, footnote 79 of the Framework does state that the policy contained in paragraph 76 should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework. Therefore, for this appeal housing land supply is a material consideration as it was submitted prior to the publication of the revised Framework in December 2023. Whilst my position at the time of the application being submitted was that the planning balance was firmly on the side of permission being granted with a 5 year supply, as part of this appeal it is however necessary to consider what the supply is given the disagreement between the parties on the beneficial weight and for the decision to be taken on the most up to date evidence.
- 4.2 The Council provided a copy of their SHLAA 2024 (**CD7.1**) on 11th October 2024. That states that the housing land supply for the Council is 6.38 years. This is comprised of the following sources of supply:

SHLAA 2024 sites	313
Sites under construction	914
Permissions not started	572
Allocations	874
Small sites	465
Total	3,048

- 4.3 I now assess the delivery of the supply.



The base date and the five-year period

- 4.4 The base date is the start date for the five-year period for which both the requirement and supply should relate. It is agreed that the relevant base date for assessing the 5YHLS the purpose of this appeal is 1st April 2024 and the relevant 5YHLS period is to 31st March 2029.

The figure the 5YHLS should be measured against

- 4.5 Paragraph 77 of the December 2023 Framework states that the five-year housing land supply should be measured against the housing requirement set out in adopted strategic policies or against the local housing need where the strategic policies are more than five years old. Footnote 42 of the current Framework explains that the 5YHLS will continue to be measured against the adopted housing requirement where it is over five years old, but it has been reviewed and found not to require updating.
- 4.6 In this case the housing requirement set out in the adopted local is 486 dwellings per annum. This is refused to 478 after factoring in oversupply to date. For this appeal this is agreed.

The Buffer

- 4.7 The December 2023 version of the Framework removed the 5% buffer. However, the Government is proposing to reverse the changes made to the Framework in December 2023 which are detrimental to housing land supply and this will mean re-instating the 5% buffer. The consultation document states:

“We propose reversing this change and reintroducing the 5% buffer. This will be added to all 5-year housing land supply calculations in decision making and plan making, and provide an important buffer of sites, ensuring choice and competition in the market.”

- 4.8 For the purposes of my assessment, I have not included the 5% buffer.
- 4.9 The key area of disagreement is the delivery of a number of sites. I first consider the policy context and how this has been considered at appeals.

What constitutes a deliverable site?

Previous National Planning Policy (2012) and Guidance (2014)

- 4.10 Footnote 11 of the 2012 Framework stated:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is



viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

- 4.11 Paragraph 3-031 of the previous PPG (dated 6th March 2014): “What constitutes a ‘deliverable site’ in the context of housing policy?” stated:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.”

- 4.12 Therefore, under the 2012 Framework, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until permission expired unless there was clear evidence that schemes would not be “implemented” within five years. The PPG went further by stating that allocated sites “could” be deliverable and even non-allocated sites without planning permission “can” be considered capable of being delivered.
- 4.13 The Government consulted on the draft revised Framework between March and May 2018. The draft revised Framework provided the following definition of “deliverable” in the glossary:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”



4.14 Question 43 of the Government’s consultation on the draft revised Framework at that time asked: “do you have any comments on the glossary?”

4.15 There were 750 responses to question 43 of the consultation. Some of the points raised included:

“Local authorities called for the proposed definition of ‘deliverable’ to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition.” (emphasis added)

4.16 The government’s response was as follows:

*“The Government has considered whether the definition of ‘deliverable’ should be amended further, but having assessed the responses it has not made additional changes. This is because **the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward.**”* (emphasis added)

Current National Planning Policy and Guidance

4.17 The definition of “deliverable” is set out on page 69 of the Framework (December 2023) and states:

“Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

4.18 The relevant paragraph in the PPG was last updated on 22nd July 2019. Paragraph 68-007 of the PPG¹ provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

¹ Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”



“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;*
- are allocated in a development plan;*
- have a grant of permission in principle; or*
- are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;*
- firm progress with site assessment work; or*
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.”

Assessment

- 4.19 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the current Framework is clear that only sites with detailed consent for major development should be considered deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.
- 4.20 As above, the PPG was updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.

Key Appeal Decisions



4.21 There have been a range of appeal decisions which have considered the definition of “deliverable” and whether “clear evidence” has been provided for the inclusion of sites which only have outline planning permission for major development or are allocated without planning permission. Whilst each appeal has been determined on a case by case basis on the evidence before the decision-maker, several themes have arisen in appeal decisions, which I discuss below.

The absence of any written evidence

4.22 Where no evidence has been provided for the inclusion of category b) sites, the Secretary of State and Inspectors have concluded that these sites should be removed. For example:

- In an appeal decision regarding land off Audlem Road, Stapeley, Nantwich and land off Peter De Stapeleigh Way, Nantwich², the Secretary of State removed 301 dwellings from Cheshire East Council’s supply from sites including: “sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement” (paragraph 21 of the decision letter dated 15th July 2020);
- In an appeal decision regarding land to the south of Cox Green Road, Surrey³ an Inspector removed 563 dwellings on 24 sites from Waverley Council’s supply because the Council had not provided any evidence for their inclusion (paragraphs 22 to 24 of the appeal decision dated 16th September 2019);
- In an appeal decision regarding land at Station Road, Stalbridge, North Dorset⁴ an Inspector removed 2 large sites from North Dorset’s supply (references A02 and A04) because the Council had not provided any up to date information from the developers for these sites and applications for reserved matters had not been made (paragraphs 53 and 57); and
- In an appeal decision regarding land within the Westhampnett / North East Strategic Development Location, North of Madgwick Lane, Chichester⁵, an Inspector removed the second phase of a wider site that is under construction on the basis that an application for reserved matters had not been made for phase 2 and the fact that a major housebuilder was progressing phase 1 was not in itself clear evidence (paragraph 82).

² PINS refs: 2197532 and 2197529 – Appendix SH3

³ PINS ref: 3227970 – Appendix SH4

⁴ PINS ref: 3284485 – Appendix SH5

⁵ PINS ref: 3270721 – Appendix SH6



The most up to date evidence

4.23 Paragraph 68-004 of the PPG⁶ explains that for decision-taking purposes, an authority will need to be able to demonstrate a five year housing land supply when dealing with applications and appeals. They can do this in one of two ways:

- *“using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR);*
- *‘confirming’ the 5 year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 78 of the National Planning Policy Framework).”*

4.24 In this case, the Council’s five year housing land supply has not been confirmed through a recently adopted plan or an annual position statement and therefore the latest available evidence should be used. As above, paragraph 68-007 of the PPG also states that *“robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions”*. It also states that the “current” planning status of a site is one example of the type of evidence that could be used to support the inclusion of category b) sites. Therefore, the latest available evidence should be used but this is only in relation to sites already in the supply.

4.25 In an appeal regarding land on the east side of Green Road, Woolpit⁷, the Inspector found Mid Suffolk Council’s approach in publishing its AMR and then retrospectively seeking evidence to justify its position “wholly inadequate”. Paragraph 70 of the appeal decision states:

“the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published.”

4.26 After the SHLAA was published, I sought to clarify if there was any further evidence for Category B sites and was advised (**Appendix SH8**) that *“we don’t have any other supporting evidence in addition to what’s contained in the SHLAA, other than what is accessed on the public planning search engine. Obviously some sites are or have been subject to pre-application discussions and as such are confidential”*. I do accept that evidence can post the base date to support the sites in the deliverable supply but do not agree that it is an opportunity to introduce new sites. In this case I have done this as part of my assessment where sites

⁶ Paragraph: 004 Reference ID: 68-004-20240205: *“How can an authority demonstrate a 5 year supply of deliverable housing sites?”*

⁷ PINS ref: 3194926 – Appendix SH7



that did not have a consent at the base date but has subsequently obtained consent are not disputed. Therefore, my evidence is based on the information in the SHLAA and on the LPA's public access website.

Small sites windfall allowance

4.27 The Council applies a small sites allowance of 93 dwellings per annum which accord with the findings of the Local Plan Inspector. I have made no deductions.

Disputed Sites

4.28 I dispute the inclusion of the following sites.



Table 4.1 – Disputed sites

	LPA ref:	Address	LPA 5YHLS	Appellants' 5YHLS	Difference	Appellant Reasons for Exclusion
Planning permission: Not started						
A	HL483	Former Ibstock Bricks	202	157	45	Planning conditions being discharged but I consider that there will be a 12-month delay for first completions for the site.
SHLAA 2024 Sites						
B	SHLAA003	Somerset St – Phase 2	26	0	26	The SHLAA sets out the intention to bring forward the site but there is no reference to any planning application being prepared and the delivery is subject to inclusion in the 2024 Brownfield Land Release Fund so until that funding is in place and a planning consent then the site is not considered deliverable.
C	SHLAA004	Leyland Green Road	8	0	8	The SHLAA states that site is constrained by levels and the previous consent has expired and no reference to a new application on the site.
D	SHLAA005	Fairclough Street	14	0	14	The SHLAA states that <i>“This cleared site is subject to developer interest and is suitable for housing, and likely to deliver dwellings over the potential yield identified above”</i> . I do not consider this meets the deliverable test.
E	SHLAA006	Liverpool Arms	29	0	29	The SHLAA sets out the intention to bring forward the site but also refers to an expired permission and there is no reference to any planning application being prepared so until a planning consent is in place then the site is not considered deliverable.

F	SHLAA008	Former Bethell Mission Bowling Club	10	0	10	The SHLAA refers to an expired permission and there is no reference to any planning application being prepared so until a planning consent is in place then the site is not considered deliverable.
G	SHLAA018	Former Parr High School	54	0	54	The SHLAA sets out the intention to bring forward the site but there is no reference to any planning application being prepared and the delivery is subject to inclusion in the 2024 Brownfield Land Release Fund so until that funding is in place and a planning consent then the site is not considered deliverable.
H	SHLAA022	Laffak Road	75	0	75	The SHLAA states that “This site has some active uses on site, but is subject to a development brief to redevelop the site”. I do not consider this meets the deliverable test on being available or achievable.
I	SHLAA025	Former Carr Mill Infants	53	0	53	The SHLAA sets out the intention to bring forward the site but there is no reference to any planning application being prepared so until there is a planning consent then the site is not considered deliverable.
J	SHLAA041	Land north of Houghtons Lane, Eccleston	6	0	6	The SHLAA states that the site benefits from outline planning permission (Ref: P/2022/0598/OUP) for the erection of up to 6no. dwellings. However, there is no reserved matters application on the site or evidence of delivery.
K	SHLAA042	Alfred Knight Ltd, Prescott Road	38	0	38	The SHLAA states that this is a former commercial site suitable for housing, subject to a live planning application for 38 dwellings (ref: P/2023/0656/FUL). That application was validated in November 2023 and remains undermined and the LLFA (as at 30/9/24) continue to object.
Total			317	0	317	
Local Plan Allocation						
L	1HA	Smock Lane	112	0	112	There is no planning application on the site and the SHLAA provides no written evidence to support the delivery of the site in the next 5 years.

M	2HA	Florida Farm	112	67	45	Application P/2023/0512/FUL pending so I have applied a 12 month delay for first completions for the site. The SHLAA provides no written evidence to support the delivery of the site in the next 5 years.
N	6HA	Cowley Hill	112	0	112	Application P/2020/0083/OUEIA granted 2 August 2021 but no reserved matters application (P/2023/0505/RES and P/2023/0413/RES) approved and a number of other applications to vary and discharge conditions on the outline consent pending. Some for example, condition 58 (mine shafts and drilling) for over a year. The SHLAA provides no written evidence to support the delivery of the site in the next 5 years.
O	7HA	Mill Lane	112	0	112	There is no planning application on the site and the SHLAA provides no written evidence to support the delivery of the site in the next 5 years.
	Total		448	67	381	
Grand Total			967	224	-743	

4.29 The differences between both parties is as follows:

Table 4.2 Supply

		LPA	Appellant
	Requirement	489	489
	5 year requirement (minus oversupply)	2,390	2,390
	SHLAA 2024 sites	313	0
	Sites under construction	914	914
	Permissions not started	572	527
	Allocations	784	403
	Small sites	465	465
	Total	3,048	2,305
	Supply	6.38	4.83

4.30 I conclude that the supply is 4.83 years which would engage the tilted planning balance and result in the relevant policies of the development plan being out of date.

Emerging Government Policy and Statements

4.31 The new Government has made it clear that addressing the housing crisis is an absolute priority. The Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government issued a WMS entitled “*Building the homes we need*” on 30 July 2024 (**Appendix SH1**). The WMS is highly relevant to this appeal as it elevates the importance of delivering housing and the weight to be given to the benefits associated with that delivery.

4.32 The WMS is a material consideration in its own right (*Cala Homes (South) Ltd v Secretary of State [2011] EWCA Civ 639*) as is the draft Framework. I consider that the WMS should, as a statement of Government



policy that is highly relevant to the delivery of housing be given significant weight in the determination of this appeal.

4.33 The WMS states:

“We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home”

4.34 The WMS outlines the Government’s clear intention and commitment to making changes to the housing and planning system to:

“improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years”

4.35 The WMS explains that decisions should be about how to deliver the housing an area needs, not whether to do so at all. It explains that the Government is proposing to reverse the changes made in the December 2023 NPPF, which loosened the requirement for local authorities to plan for and meet their housing needs, mandating that the standard method is used as a basis for determining local authorities’ housing requirements in all circumstances. It is also important that this means that the protection afforded by paragraph 76 of the Framework for the St Helens Local Plan would be reversed.

4.36 The WMS states that the current standard method for calculating local housing need is *“not up to the job”* because it relies on population projections which are more than 10 years old and an *“arbitrary”* urban uplift that focusses too heavily on London. The WMS then states:

“We are therefore updating the standard method and raising the overall level of these targets – from around 300,000 to approximately 370,000. The new method provides a stable and balanced approach. It requires local authorities to plan for numbers of homes that are proportionate to the size of existing communities, by taking 0.8 per cent of existing stock as a floor, which is broadly consistent with the average rate of housing growth over recent years. It also then incorporates an uplift based on how out of step house prices are with local incomes, using an affordability multiplier of 0.6 per cent, up from 0.25 per cent in the previous method.

This approach means that there is no need for any artificial caps or uplifts: the previous cap will no longer apply, and the urban uplift will be removed. With a stable number, reflective of local needs and the way housing markets operate, we will stop debates about the right number of homes for which to plan, ensure targets reflect the way towns and cities actually work, and support authorities to get on with plan making.”

4.37 The new standard method is likely to have significant implications for St Helens. Local housing needs would be increased from 391 dwellings per annum under the current standard method to 825 dwellings per



annum under the revised standard method. The adopted housing requirement is 486 dwellings so the proposed standard method is 69.7%.

4.38 Under the sub-heading “*Delivering More Affordable Homes*”, the WMS sets out the Government’s commitment to improving affordability alongside the proposals to increase supply.

4.39 The WMS concludes by stating: “*There is no time to waste. It is time to get on with building 1.5 million homes*”.

4.40 Paragraph 33 of the Framework states:

“33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”

4.41 Apart from the paragraph number, the above policy was not proposed to be changed. This means that if the standard method does change then the Council should undertake an early review of the local plan to meet the needs in the area. It also means that even on the LPA’s own supply figure of 6.38 years that significant weight should be given to the delivery of the appeal scheme given the clear direction of the Government.



5. Reason for Refusal 1

5.1 The first reason for refusal states:

“The provision of an access road and emergency access road through safeguarded housing site 5HS is a form of development that conflicts with the requirements of Policy LPA05 of the St Helens Local Plan. This is because it is not a form of development necessary for the operation of the existing permitted use of the land, nor is it considered to be a temporary use that would retain the open nature of the land. The proposal therefore does not accord with the requirements of Policy LPA05.”

5.2 The access being located in the safeguarded land was a matter discussed as part of the pre-application meeting where it was agreed that the access road would not cause harm to the purposes behind the safeguarding of the northern part of the site. However, officers no longer held that position when the first application was submitted, and the LPA concluded that there would be conflict with LPA05.

5.3 The LPA’s Statement of Case set out its position in greater detail in paragraphs 7.2 to 7.12. Paragraph 7.6 sets out parts 3 and 4 of Policy LPA05 and states:

“Part 3 of the policy further states that other forms of development on safeguarded land will only be permitted where the proposal is:

- a) necessary for the operation of existing permitted use(s) on the land; or*
- b) for a temporary use that would retain the open nature of the land and would not prejudice the potential future development of the land’.*

Part 4 of the policy states that development on any other site that would prevent or limit development of the safeguarded land for its potential future uses will not be permitted. (LPA emphasis)

5.4 I accept, as I did when the application was submitted, that there is conflict with Policy LPA05 when those criteria are considered as it would not meet part 3 of the policy. That conflict must be weighed in the planning balance. A key part of that exercise is the harm that would arise from that policy conflict. It is therefore necessary to look back at the reason for the safeguarding of the land which is *“to meet longer term development needs well beyond the current 2037 plan period and with an indicative capacity of 191 dwellings”*⁸. This is also set out in criterion 1 of Policy LPA05 which states that *“have been removed from the Green Belt in order to meet longer term development needs well beyond this Plan period”*. The key

⁸ 2nd paragraph of Page 1 of officer report (CD2.2)



matter is whether this appeal would harm that objective. For the reasons I set out below I do not consider that it would.

5.5 Paragraph 7.12 of the LPA's Statement of Case sets out the planning harm which I summarise to be:

- constructing the access now as part of this proposal would be permanent in the safeguarded land it is considered that it would not prejudice the delivery of the safeguarded site. However, as set out above there is no guarantee that the safeguarded land will come forward or the period of a plan review means it may not come forward for a number of years.
- the construction of the access road through the safeguarded land would limit the safeguarded land for its future use (housing) in the assessment of the LPA.
- there is considerable public interest in making decisions in accordance with an adopted Local Plan. The importance of the Plan-led system is a core planning principle of the NPPF.

5.6 The first point is whether the approval of this appeal would be contrary to criterion 1 of Policy LPA05. I consider that it would not prevent the safeguarded land from coming forward for development at a later date in accordance with Policy LPA05. This can be seen in the illustrative plan for the safeguarded land (CD1.1.44) which shows the access road coming through the safeguarded land adjacent to the railway.



5.7 With regards to this wider masterplan, the LPA states⁹ *“the indicative masterplan despite demonstrating how the proposal may interact with the safeguarded land in access does not clearly address how the access*

⁹ Paragraph 7.12 of the LPA Statement of Case

road through the safeguarded land would not limit the delivery of housing on the safeguarded land in future and ensure that a well-designed beautiful development can be achieved on the safeguarded land". Therefore, the LPA's main point is that approval of this development now means there is a risk of missing the opportunity to achieve such effective placemaking if piecemeal developments such as that proposed come forward.

- 5.8 In response, the masterplan was prepared to demonstrate that the site could come forward in a phased approach and the appeal application was prepared on the basis of it being a standalone development. In addition, the road layout means that the vast majority of the safeguarded land is left open to come forward when required by criterion 2 of the policy. The circumstances are materially different to the appeal decision listed in Appendix 8 of the LPA's Statement of Case where the key issue was that there as a policy requirement for the wider parcel of safeguarded land to be master planned and due to the scale of the development there would likely be a need for wider infrastructure provision. Neither apply in this case.
- 5.9 Therefore, there is no conflict with criteria 1 and 2 of Policy LPA05 in that that land continues to be safeguarded.
- 5.10 With regard to criterion 3, I accept the proposal would be in conflict with it. The LPA states¹⁰ that *"the proposal does not make it clear if the alignment is the most appropriate given the levels difference or the degree of retaining structure that maybe required to bring the access road satisfactorily into the access site"*. The issue of prejudice could apply if an access is created which would not be the optimum location for the wider site or dictate a future access point. However, it is important to note that the proposed access point is the only access that can be achieved not only to the appeal site but also the safeguarded land. The Technical Note by Mr Todd of SCP (**Appendix SH9**) explains why there is no opportunity for an alternative access and that any access to the safeguarded land would also require the proposed access point and a retaining structure. Therefore, by constructing that access now, which would be permanent, it would cause no prejudice to the delivery of the safeguarded land at a later date which is the key requirement in part (b) of criterion 3. Therefore, whilst I conclude there is conflict with criterion 3b of Policy LPA05, there is no material planning harm from the approval of this appeal as it would not prejudice the delivery of the safeguarded land given that that land would use the same access as the appeal and the route of the access road enables options for a layout once the site is allocated through a plan review or an earlier application.
- 5.11 With regard to the matter of public interest in making decisions, I consider that given the overall housing need based on the adopted and emerging housing figures that there is greater public interest in delivering 92 additional homes in St Helens than a limited breach of Policy LPA05.

¹⁰ Paragraph 7.18 of Statement of Case



5.12 My overall conclusion is that there is conflict with Policy LPA05 but for the reasons set out above that conflict is a limited adverse impact. If there is no 5 year supply, then LPA05 would be out of date and any conflict would be given even less weight.



6. Reason for Refusal 2

6.1 The second reason for refusal states:

“The proposed development of 99 dwellings would, by virtue of its design and layout, result in a visually isolated form of development that would be harmful to the general character and appearance of the area. The application fails to create a high quality and well-connected development, resulting in a poorly planned residential development, that would cause harm to the visual amenity and landscape character of the area, and constitutes poor planning. The proposal fails to add to the quality of the area and does not exhibit good design or character, resulting in a car dominated street scene, a lack of room for landscaping within the site and dwellings that will be side on to areas of public open space. The proposal does not therefore comply with the requirements of St Helens Local Plan Policies LPD01 and LPD02 and the National Planning Policy Framework (2023).”

6.2 The reason for refusal deals with two issues, the first being the alleged visually isolated from of development and failing to create a well-connected development and the second being the design and layout of the residential development. Since the application was refused both parties have worked on resolving as many of the issues as possible and the LPA’s Statement of Case confirms that the revised plans are acceptable as set out in paragraph 7.29. The matter between both parties is the first part of the reason for refusal. Accessibility is also agreed with the LPA.

6.3 Mr Folland deals with the landscape and visual impact of the development, and I take forward his conclusions into my planning balance. Below I deal with the evidence base for the local plan and the reasons why the site was removed from the Green Belt to demonstrate that a key reason was the site’s relationship to the existing urban area.

6.4 The starting point is that the appeal site and the safeguarded land to the north was designated as Green Belt in the now superseded adopted local plan. As the now adopted local plan was prepared the appeal site (red and blue edged land) was assessed as parcel reference GBP_45A in the St Helens Local Plan Green Belt Review 2018 (**Appendix SH11**). It was concluded that it performed poorly in terms of all three of the main purposes of including land within the Green Belt for the purposes of paragraph 134 of the NPPF (as it was then) and was to be removed from the Green Belt.

6.5 In terms of restricting urban sprawl, the Green Belt Assessment states the following:

“The sub-parcel is bounded to the north by residential development at Wayfarers Drive and Newton Brook Greenway, to the west by Newton Brook Greenway, to the east by the West Coast Mainline railway line, to the south by agricultural land and to the



south/west by Newton Brook Greenway leading to Newton-le-Willows Cemetery. The sub-parcel is therefore well contained to the north, east and relatively well contained to the south and west.”

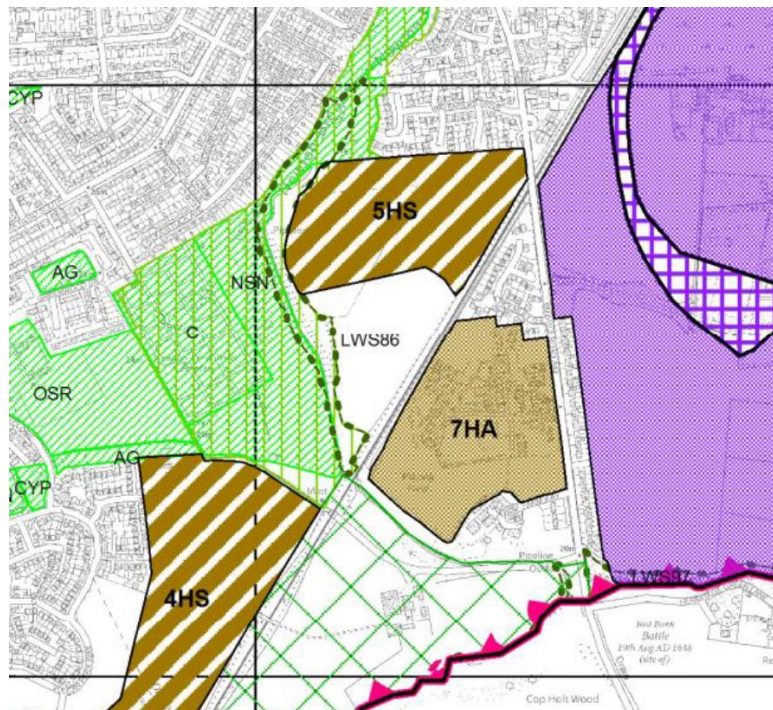
6.6 In terms of the merging of towns, the Green Belt Assessment states the following:

“The sub-parcel does not fall within a strategic gap between two towns. The nearest towns that are not “washed over” by Green Belt are: Newton-le-Willows which adjoins the subparcel and Winwick, Warrington, which lies approximately 1.8km south east of the sub-parcel. A strategic gap could be maintained between Winwick and Newton-le-Willows if this sub-parcel was developed.”

6.7 In terms of safeguarding the countryside from encroachment, the Green Belt Assessment states the following:

“The sub-parcel has strong permanent boundaries to the north and east. Given the high level of enclosure, it is considered that the sub-parcel does not have a strong sense of openness or countryside character.”

6.8 The land was removed from the Green Belt, an extract from the policies map is below.



6.9 Paragraph 4.21.15 of the Plan states:

*“5HS – Land West of Winwick Road and South of Wayfarers Drive, Newton-le-Willows
4.21.15 The Green Belt Review (2018) found the sub-parcel of land within which this site sits to make a ‘low’ overall contribution to the Green Belt purposes and have*



‘medium’ development potential. The site is within a sustainable location, close to a railway station. The site is affected by a number of constraints, which will require further investigation before development can be brought forward, including the difficulty of providing a secondary access to the site, the proximity to a Local Wildlife Site and a historic landfill site in close proximity to the site (to the south), and associated potential contamination issues. There is also a railway line to the east of the site, so noise attenuation measures would be required. The sub-parcel is considered suitable to help meet needs in the longer term beyond the Plan period, and the safeguarding of the site will enable the required further investigation in relation to the above constraints to make efficient use of land within the site.”

6.10 The Plan then sets out 5 site specific criteria, these being:

- Safe highway access should be provided from the A49 (Mill Lane), (with any necessary off-site improvements).
- Appropriate noise attenuation measures, including buffers, should be incorporated to protect new residents from unacceptable noise levels from the adjoining railway line.
- Provision of effective flood management measures to reduce the risk of flooding.
- Appropriate buffers should be provided from the proposed site and adjoining LWS.
- Measures to secure suitable access to and through the site by walking, cycling, public transport and other sustainable modes, which should also link to areas of employment, education, health, and other services in the surrounding area.

6.11 Given the adoption of the Local Plan and the position of the LPA, the appeal application was submitted on the undesignated white land. The pre-application response (**Appendix SH12**) confirmed that:

“part of the site proposed for development has been identified as a former landfill and is proposed for full removal (not safeguarding) from the Green Belt. The appropriateness of the development will therefore be subject to other policies in the local plan as well, including emerging policy LPC09 (2) on local wildlife sites”.

6.12 The above confirms that the appeal site was fully removed from the Green Belt and development is subject to other policies and the Appellant’s position is that there is no conflict with policies relating to the development area, so the principle of development is acceptable. As Mr Folland sets out the surrounding settlement and associated transport infrastructure is influential in creating an urban fringe character and the pre-application response confirms that the other allocations in the Plan are a material consideration as it states:

“In favour of the site in the planning balance would be the removal of the Parkside Colliery site to the east leaving the site as an isolated enclave. In addition, the proximity of the site to Newton-Le-Willows Train station would count in its favour. Counting



against it in the planning balance would be the weak deliverability of the site as a former Landfill site (see below)."

6.13 Mr Folland has prepared a robust landscaping scheme demonstrating that the proposed development will provide a high-quality green infrastructure network throughout the development as well as incorporating opportunities for biodiversity enhancement. High quality trees and woodland on site will be retained and supplemented through new native tree, shrub and hedgerow planting.

6.14 An extract of the agreed landscaping plan (CD1.1.11) for the site is below.



6.15 The Landscape and Visual Assessment produced and provided by Barnes Walker (CD1.1.32) states that there is already a noticeable lack of field boundary hedgerows with tree cover mostly occurring on the western boundary along Newton Brook which will be retained. The open space along the western boundary will also be planted with wildflowers and native riparian trees as well as woodland understory.

6.16 The assessment also mentions that along the eastern border a landscaping buffer will be incorporated to provide extra shielding to the dwellinghouses on that border which have already been designed to be set

back from the rail tracks. Wherever there is sufficient space medium and smaller native species will be planted.

6.17 Submitted alongside the application was an Arboricultural Impact Assessment & Method Statement by TBA Landscape Architects as well as tree surveys and protection plan (CD1.1.30).

6.18 Therefore, the LVA has considered the reason for refusal and concludes that the significance of effect is “Minor- Moderate – adverse”. Policy LPA10 states:

“Where a development would lead to harm to the landscape or visual character of the area, mitigation measures will be sought to reduce the scale of such harm. Where the development would (despite any such measures) cause significant harm but also bring significant benefits, suitable compensation measures may be sought. If significant harm cannot be avoided, suitably mitigated, or compensated, planning permission will be refused unless the development would bring exceptional benefits that would outweigh the harm.”

6.19 Section 4 of the LVA provides further detail on the landscaping for the site and paragraph 7.10 states:

“establishment of the comprehensive landscape proposals, particularly the tree planting, would in the medium to longer term, become increasingly prominent within the views experienced and in doing so would become increasingly effective at integrating and assimilating the development into its setting. As a result, by Year 15 the establishment of the landscape proposals would have to some extent, ameliorated the assessed levels of short term, adverse visual effect”.

6.20 Paragraph 7.11 of the LVA concludes that:

“The Landscape and Visual Appraisal has ascertained that the implementation of the development proposals would not generate any significant levels of adverse landscape effect upon the existing landscape resource or any significant adverse visual effects upon the key visual receptors.”

6.21 The LVA has been taken forward in Mr Folland’s evidence and he concludes:

“5.8 The site is clearly located within an urban fringe area, towards the eastern edge of Newton-Le-Willows, where blocks of development naturally become more dispersed and fragmented when compared to the denser townscape closer to the centre of the town.

5.9 I have reconsidered the viewpoints assessed by the submitted LVA with a specific focus upon the Council’s concern that the proposed development would be isolated. I believe that from the locations on the ground, where views of the appeal site are experienced, the development would be viewed in the context of other urbanising features and residential development that are synonymous with the urban fringe



landscape and as such, it would not be viewed as a standalone, isolated block of residential development.

5.10 I have confirmed that the Appeal Proposals would not, in my opinion, appear isolated or incongruous and would not generate any tangible or significant, residual adverse landscape or visual effects.

5.11 As a result, I believe the Council's landscape and visual related concerns, are unfounded and that the Appeal Proposals are in fact compliant with the landscape aspects of Local Plan Policies LPD01 and LPD02 as cited within RfR 2."

6.22 Therefore I can conclude that the appeal scheme is compliant with the landscape aspects of Local Plan Policies LPD01 and LPD02.



7. Other Planning Matters

- 7.1 The Statements by my colleagues on drainage (**Appendix SH16**), highways (**Appendix SH9**) and ecology (**Appendix SH10**) summarise the reasons for refusal and how they have been addressed. I can therefore conclude there is no conflict with any policies in the development plan on these matters.
- 7.2 In now address the other planning matters.

Affordable Housing

- 7.3 The proposed development includes 30% affordable housing provision with a range of house types to be delivered which is compliant with Policy LPC02: Affordable Housing of the adopted local plan. This would be secured in a Section 106 agreement. Paragraph 6.3.3 of the Local Plan states:

“6.3.3 The St Helens SHMA Update 2018 identifies that there is a need for 1,987 affordable housing units to be delivered in the Borough between 2016 and 2033 at an average of 117 units per year. It is considered reasonable at this stage to extend this assessment of annual need up until the end of the Plan period (2037). Of the overall housing provision of 10,206 dwellings (set out in Policy LPA04) it is therefore anticipated that about 2,457 (24%) should be affordable. The amount of affordable housing to be delivered is also likely to be affected by economic viability issues. Policy LPC02 sets out in further detail the requirements for affordable housing of different tenures and in different areas of the Borough.”

- 7.4 I note that the LPA considers that this should be given moderate weight as their position is that the development is proposing a policy compliant level of affordable housing, and that the LPA has approved 61% of its overall Plan total in the first two years of adoption. I consider that the delivery of affordable homes should be given significant weight for the following reasons.
- 7.5 The affordable housing need that the Local Plan sets out to delivery is 1,987 affordable housing units between 2016 and 2033 at an average of 117 units per year. This is set out in Table 15 of the SHMA (which for ease of reference I have set out below.



Net Need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing

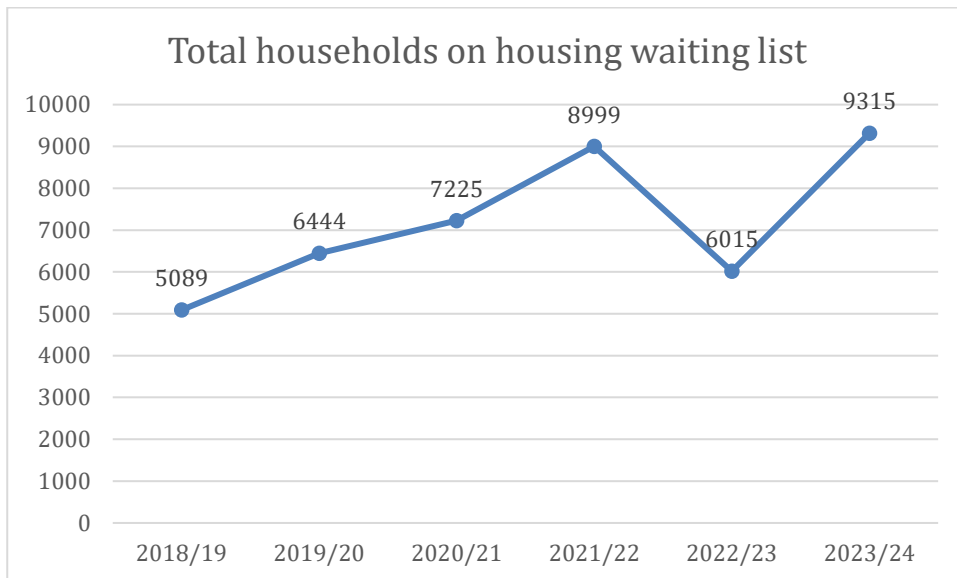
Table 15: Estimated Annual Level of Affordable Housing Need

	Per annum	2016-33
Current need	74	1,253
Newly forming households	632	10,752
Existing households falling into need	584	9,925
Total Gross Need	1,290	21,930
Supply	1,173	19,943
Net Need	117	1,987

Source: Census (2011)/CoRe/Projection Modelling and affordability analysis

7.6 The LPA states that 61% of the affordable homes in the Local Plan have been approved but I see no reason why an additional 24 affordable homes should not be given significant weight as it would bring forward an additional number of homes now rather than later in the plan period.

7.7 However, the above need and supply is based on the SHMA which was published in 2019 as part of the evidence base for the Local Plan so reflects the housing needs at that time. It is therefore necessary to set out the most up to date measure of affordable housing needs is the Council’s Housing Register. Using Government data¹¹ the graph below shows how many households were on the housing register from 2018/19 which would have been the year that the SHMA used for its data.



¹¹ <https://www.gov.uk/government/collections/local-authority-housing-data#2022-to-2023>



7.8 In St Helens, applicants for an affordable home needs to register with Under One Roof which is St Helens Borough Council’s choice-based lettings scheme. The Under One Roof website sets out the number of applicants on the housing register at 1st October 2024 (Appendix SH14). From the extract below there are 9,315 applicants as at 1st October 2024. This is the figure I have used above as the Government data for 2023/24 is not available at local authority level.

Our services remain in extremely high demand at the current time - 01 October 2024 we currently have a total of **9315** applicants looking for rehousing and receive an average of 80 applications each week The breakdown is as follows :

Band	Bedroom Need						Grand Total
	1	2	3	4	5	6	
Band A	127	89	54	8	1		279
Band A*	9	15	13	2			39
Band B	844	525	264	86		2	1721
Band B*	11	75	23	3			112
Band C	1191	629	385	125	2		2332
Band D	2736	1383	612	99	2		4832
Grand Total	4918	2716	1351	323	5	2	9315

7.9 The bands listed in the table above reflect the level of housing need, to prioritise between applicants with different needs the order of applicants within the different bands. Appendix SH15 is the Council’s summary of their Banding System which describes the bands as follows:

- Band A – Urgent Housing Need
- Band B - Significant Housing Need
- Band C – Recognised Housing Need
- Band D - General Housing Needs

7.10 The Allocations Policy states that Band D comprises “Applicants from Band A or B, who have exhausted their right to refuse an allocation of social rented housing or have failed to bid on more than three occasions where a suitable property would be available”. Therefore, after considering the criteria in Bands A to C, I consider that these represent those in need of an affordable home now. The total is 4,483 households. The extract also states that an average of 80 applications are made each week, so it is an increasing need.

7.11 Section 13 of the Under One Roof website advises on timescales.



13. How long will it take for me to get a home?

We can't confirm exactly how long a person may wait to be re-housed as this will depend on individual circumstances and a number of contributing factors, such as:

- Type and size of property that you need
- Demand for similar properties from other applicants
- Availability of properties in your area of choice

We advise applicants to look at the recent lettings results that are available on our website.

They can be found under Recent Lets - CBL allocations scheme.

The recent lettings results provides details of all the properties that have been let and the band of the successful bidder. This can help people when considering the areas in which to place their bids.

If you are able to consider properties in a wide range of areas then this may improve your chances of getting a home more quickly.

Under One Roof are currently receiving a reduced number of properties to advertise and so its taking considerably longer for people to be rehoused

7.12 Whilst no specific timescales are set out the final sentence does state that *“Under One Roof are currently receiving a reduced number of properties to advertise and so its taking considerably longer for people to be rehoused”*. Therefore, additional affordable homes should be welcomed. However, the LPA considers in paragraph 8.4 of their Statement of Case that the affordable homes from this site *“would only have a negligible impact on meeting affordable housing need in the Borough and would not outweigh the reasons for refusal”*. I disagree as the development would provide homes for 24 households in housing need now and if the LPA simply applies the local plan figure, the current need will not be met, and a dismissal would mean that 24 households in Bands A to C who could be provided with a home will not be provided with one as soon as possible.

7.13 Therefore, the delivery of affordable homes on this site would be a significant benefit over and above existing commitments and meet an increasing annual need as evidenced in the housing register data.

Location of Development

7.14 Policy LPA04 (Meeting St Helens Borough’s Housing Needs) states that:

“The housing requirement will be met from the following sources:

a) Completions;



- b) Sites with planning permission;*
- c) Housing allocations shown on the Policies Map and listed in Table 4.5;*
- d) Sites without planning permission identified in the Strategic Housing Land Availability Assessment (SHLAA); and*
- e) ‘Windfall’ development, including development on small sites not individually identified in the SHLAA, sub-division of dwellings and conversions / changes of use.”*

- 7.15 The site is a large windfall site that is proposed to come forward for delivery. As I have set out this evidence, the additional market and affordable housing is a significant benefit. I also conclude that the location of this new development would be a significant planning benefit. I note that the LPA, in their Statement of Case, gives the “*social benefits through the delivery of a new modern residential development is afforded. Moderate weight*” so the difference between us is moderate or significant.
- 7.16 Part 2 of LPA01 states “*New development will be directed to sustainable locations that are appropriate to its scale and nature and that will enable movements between homes, jobs and key services and facilities to be made by sustainable non-car modes of transport*”. Criterion 5 also states that “*This Plan releases land from the Green Belt to enable the needs for housing and employment development to be met in full over the Plan period up to 31 March 2037, in the most sustainable locations. Other land is removed from the Green Belt and safeguarded to allow for longer term housing and / or employment needs to be met after 31 March 2037*”.
- 7.17 I give significant weight as Policy LPA01 sets out the Spatial Strategy and Newton-le-Willows is one of the Key Settlements listed and it is agreed that it is a sustainable location. The delivery of the Parkside employment area to the east would also enable a strong homes/job relationship in this part of the town. **Appendix SH13** is the latest press release for that site which sets out the approval of the first phase of reserved matters application which is anticipated to create around 1,330 jobs when fully operationally. Given the constrained nature of the Borough due to the Green Belt this opportunity for 92 dwellings, then the locational aspect of this development should be given significant beneficial weight.

Contaminated Land

- 7.18 The Pre-application consultation found that the southern half of the site has been recorded as a historical landfill with tipping taking place between 1961-71 (site ref: GDO M190). Detailed phase 1 and 2 contamination assessments were required and subsequently submitted in the previous application to demonstrate, in accordance with the Framework and the associated planning practice guidance that the site is or can be made suitable for residential development.
- 7.19 A Geo-Environmental Investigation Report was submitted with the application by Robert E Fry and Associates (**CD1.1.33**). On the issue raised at the pre-application stage, the report states:



“9.3.1 A program of chemical analysis has identified marginal elevated concentrations of lead within the topsoil strata in TP20 at 0.10m bgl. The remainder of the topsoil testing has not recorded any further exceedances of metals, inorganics or PAH compounds. Therefore, the topsoil deposits within the site are suitable for reuse within the proposed garden and landscaped areas of the development.

9.3.2 We have undertaken statistical analysis of the singular exceedances of lead within the topsoil strata within TP20. It is assumed that the topsoil from across the site will be scraped back and stockpiled before installation within the private gardens and areas of POS. Using the topographical survey provided to us, we have taken the average topsoil globally at 300mm below existing ground surface. Based upon this, we have calculated an estimated volumetric value of 26,400m³ of topsoil. Equally, by considering the 14 samples of topsoil tested, we can calculate the mean lead value as 102mg/kg or a medium of value of 89mg/kg. As such, once the topsoil has been stockpiled and combined, the singular lead exceedance noted within TP20 becomes statistically below the threshold for human health.

9.3.4 No made ground or evidence of contamination was noted along the northern boundary of the historic garage. Chemical analysis within this area has also not identified any contaminants above the threshold for human health and therefore, we consider no further consideration needs to be given to this area and the garages do not pose a source of historic contamination to the development site”.

7.20 The conclusions of the report are that the site is suitable for development.

Noise and Air Quality

7.21 A Noise Assessment has been produced by RSK Acoustics Ltd which considers the noise impacts that will be imposed on the development by the neighbouring railway and highway. Concluding that overall, predicted noise levels across the site would be within the relevant noise design target and would be at level of magnitude suitable for the proposed development. Recommending that:

“principles of good acoustic design be maintained and mitigation strategy within this report be adopted along with a suitable ventilation strategy.”

7.22 An Air Quality Assessment has been produced by RSK Acoustics Ltd which assesses the potential air quality impacts associated with the proposed development. It concludes that:

“Based on the results of the assessment, it is judged that with appropriate mitigation, the proposed development complies with relevant national and local planning policies and that there are no air quality constraints”.

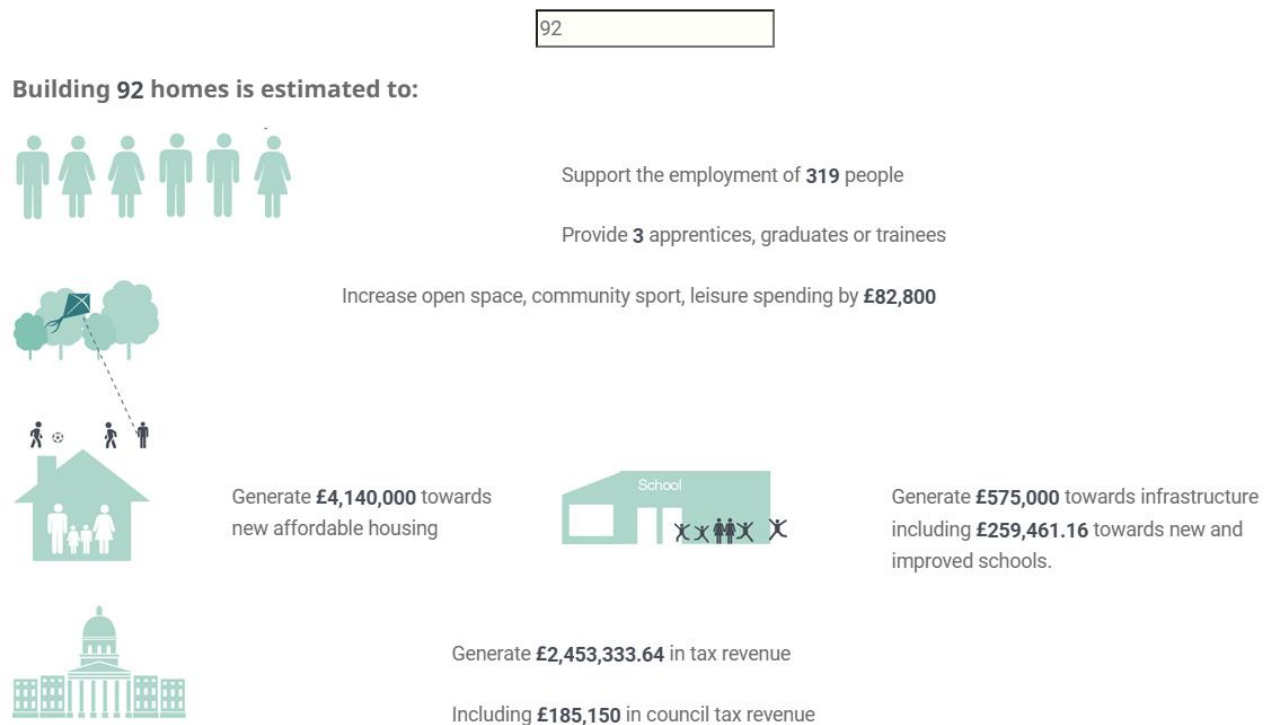
7.23 Therefore, it is concluded that the proposed development accords with Policy LPD01 of the Local Plan.



Economic Benefits

7.24 The proposed development would give rise to economic benefits through the creation of jobs during the construction phase. Furthermore, there will be indirect employment benefits through the supply of materials for the site. Once occupied the residents would use existing service and facilities in the area.

7.25 A summary of the economic benefits for the scheme, using the Home Builders Federation (HBF) Housing Calculator. This quantifies the economic benefits of the proposed residential development, with the key outputs as follows:



7.26 The economic benefits that would arise from the scheme should be afforded limited weight in the planning balance.



8. Summary and Conclusions

8.1 Section 38(6) 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. The National Planning Policy Framework (the Framework) is a material consideration.

8.2 At the heart of the Framework, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. As set out in paragraph 11 of the Framework all housing proposals should be considered in the context of sustainable development. Paragraph 11 states that for decision-taking the presumption in favour of sustainable development means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission 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 proposed⁷; 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.

8.3 The appeal site is white land where I consider the principle of development is acceptable subject to compliance with other policies in the development plan. I accept that access to the site is proposed through land designated as safeguarded land in the adopted local plan and would conflict with criterion 3 of Policy LPA05 and the development plan when read as a whole. However, that conflict is limited as there is no material planning harm from the approval of this appeal as it would not prejudice the delivery of the safeguarded land given that that land would require the same access point as the proposed appeal and the route of the revised access road enables options for a layout once the site is allocated through a subsequent plan review or by way of an application.

8.4 On the positive side of the planning balance, the benefits are as follows:

- the delivery of housing would assist in boosting the supply of housing in St Helens which the LPA considers to be 6.38-year supply. I consider it is 4.83 years. The approval of this appeal for 92 dwellings would address the shortfall in supply and engage the tilted planning balance. However, the application was submitted on the basis that the LPA could demonstrate a 5-year supply after the adoption of the Local Plan, and I gave **Significant Weight** at that stage and that



remains my position which is only reinforced by the WMS on 30th July and proposed changes to the Framework.

- the proposal would deliver 30% affordable housing which accords with Policy LPC02 and would assist in addressing the significant affordable housing need in the Borough. **Significant Weight.**
- the development would be in an accessible location that accords with the settlement hierarchy in LPA01 as it is a site at Newton le Willows which can accommodate the development scheme socially, economically and environmentally as sought by the Framework. **Significant Weight.**
- the development would provide a range of social and economic benefits, including construction jobs and increased spending for local services and facilities. **Limited Weight.**

8.5 On a flat planning balance, in the context of this range of substantial benefits would not be outweighed by the limited adverse harm from a conflict with criterion 3 of Policy LPA05 by developing part of the safeguarded land for an access road that does not prejudice that safeguarded land from coming forward at a later date. The absence of a 5-year supply would result in the engagement of the tilted planning balance which would mean the relevant policies being out of date with less adverse weight.

8.6 Based on the foregoing, it is clear that the adverse impact of the proposal would not significantly and demonstrably outweigh the substantial benefits which would arise from this development, and that I respectfully request that the appeal is allowed.



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