

**LAND WEST OF MILL LANE**  
**NEWTON LE WILLOWS, ST HELENS**  
**APPEAL 3350503**

**OPENING STATEMENT ON BEHALF OF APPELLANT**

1. The appeal proposal involves the provision of 92 homes on the southern part of a broadly triangular field located within Newton le Willows (“NleW”), a Key Settlement within the Borough, together with the access route through the northern part of the field<sup>1</sup>. The field abuts existing residential development to the north and north-west, a main road and railway corridor with a school, education unit and housing beyond to the east and a cemetery and open space to the west<sup>2</sup>.
2. The field was formerly in the Green Belt, but a Green Belt Assessment of the field as part of the Local Plan preparation found that it was “*well contained to the north, east and relatively well contained to the south and west*” with a “*high level of enclosure*” and that it did “*not have a strong sense of openness or countryside character*”<sup>3</sup>. A developability assessment as part of this review concluded that the field was suitable for residential development but that “*there are potential problems in terms of access and providing a secondary access, therefore potential yield needs to be reduced*”<sup>4</sup>. The outcome of the assessment was that the northern part of the field was allocated as Safeguarded Land (“the SG Land”) whilst the remainder was removed from the Green Belt but left as white land (“the WL Site”). It is clear that the failure to allocate all of the field for development immediately arose because of mistaken concerns that the WL Site was subject to issues arising from an historic landfill site and because it was considered that the overall level of development would be constrained by access issues.

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<sup>1</sup> SH para 3.1

<sup>2</sup> NF para 2.3

<sup>3</sup> GBR Stage 1B Assessment – DP App 3 p 13

<sup>4</sup> GBR Stage 2B Assessment – DP App 4 p 16

3. Although the application was refused on six grounds, most of the concerns raised by the Council have been addressed. The outstanding issues are limited to reasons for refusal 1 and parts of reason for refusal 2<sup>5</sup>. In those circumstances only the first two main issues identified by the Inspector remain contested between the Appellant and the Council and these opening comments are limited to considering those two reasons.
4. Policy LPA05(3) provides that development on the SG Land will only be permitted for proposals necessary for the operation of the existing permitted uses of the land or temporary uses. It is accepted that the access road does not comply with this element of the policy and accordingly it has always been accepted that this involves a conflict with Policy LPA05(3)<sup>6</sup>. In considering what weight to give to that conflict, it is important to consider the purpose of the policy and what harm, if any, would arise from the conflict with this element of the policy<sup>7</sup>.
5. The site access onto the A49 utilises the access which would be required in any event for development of the SG Land as the SCP Technical Note explains<sup>8</sup> and, at the Council's request, has been designed to accommodate the traffic which could be generated by both the appeal site and the SG Land<sup>9</sup>.
6. The access road routes through the SG Land alongside the railway in what is already a transport corridor and where houses would not be expected to be built given the Local Plan requires a buffer to be provided in this location<sup>10</sup>. The appeal layout accordingly leaves the developable area of the SG Land free from any constraints and makes good use of the area which is required to provide a buffer from the railway.
7. The approval of this proposal would not prejudice delivery of the SG Land and whilst there is a 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 SG Land and would not conflict with the purpose of the policy.

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<sup>5</sup> SOCG CD 4.10 paras 4.2, 4.10, 4.11, 4.15, 4.16, and 4.18

<sup>6</sup> SH para 5.4

<sup>7</sup> SH para 5.4

<sup>8</sup> SH App 9 p147 para 2.7-2.11 and SH para 5.10

<sup>9</sup> See OR CD 2.2 p 17 final para and SH para 5.10

<sup>10</sup> See CD 3.1 pdf App 7 Site Profile pdf 284/333 Requirements 2<sup>nd</sup> bullet point and SH para 6.10

8. The appeal site is located within an urban fringe landscape where residential development is the dominant land-use<sup>11</sup>. Although the proposal will inevitably have a significant impact upon the appeal site, its wider impact is limited. Public viewpoints of the proposed development are essentially limited to two footpaths in the immediate vicinity of the site, the A49 at the site entrance and the railway.
9. The concerns raised by the Council centre upon what is said to be the visually isolated nature of the development and the impact of the access road across the open SG Land. This is a matter which will be considered in some detail in the evidence, but it is sufficient to note at this stage that Mr Folland (“NF”) provides a detailed description and assessment of what will be seen from various viewpoints and how the development would be experienced and perceived.
10. In summary the appeal site is located within a settlement area characterised by residential development with an urban fringe character. It is very well contained. The proposal is consistent with the character of the urban fringe townscape in the vicinity rather than being isolated. It would simply form a new area of development within the settlement area that would be well related to existing development. This would be further consolidated by development of allocations to the east and the safeguarded land to north and south in the future<sup>12</sup>. Urban fringe often contains reduced levels of development and density compared to the centre and spaces between areas of development are more frequent and effectively part of the character of the urban fringes of NleW and many other settlements<sup>13</sup>.
11. This appeal is not dependent upon the application of a tilted balance in the planning balance, but the question does arise as to whether the Council is able to demonstrate a 5 years housing land supply and this will be considered in the round table session to be held later today. The area of disagreement between the parties is limited to the adequacy of the evidence on allocated sites and major sites without a full planning permission, which accounts for the difference in opinion between the Council which claims a 6.38 years supply and Mr Harris (“SH) who considers the correct figure to be 4.83 years.

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<sup>11</sup> NF para 4.11.4

<sup>12</sup> NF para 4.13

<sup>13</sup> NF para 4.11.5

12. Irrespective of the conclusions reached on the 5 years housing land supply it is also important to consider the implications of the recent WMS “*Building the homes we need*”<sup>14</sup>. It is clear from this recent ministerial statement that significant weight should attach to the provision of housing in this case. SH further explains why significant weight attaches to the provision of affordable housing and the sustainable location of this development.
13. Determination of this appeal will ultimately involve a planning balance. In this case we would invite you to conclude that the harm arising from limited conflict with the development plan (and if so found any harm arising from development of the WL Site ahead of the SG Land) is clearly outweighed by the benefits provided by this proposal. In the circumstances we would ask that the appeal be allowed.

Vincent Fraser KC

3<sup>rd</sup> December 2024  
Kings Chambers,  
36, Young Street,  
Manchester

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<sup>14</sup> SH App 1