

Charnwood Borough Council

**Appeal by Appeal by David Wilson Homes East Midlands and Anthony
Raymond Shuttlewood**

**Against the refusal of planning application ref. no. P/21/0491/2 by Charnwood
Borough Council (“the Council”)**

**For outline planning permission for up to 170 dwellings (including affordable
housing) with all matters reserved other than access**

At Land off Cossington Road, Sileby, Leicestershire, LE12 7SL

Proof of evidence: Nigel Gould BSc DipURP MRTPI

On behalf of Charnwood Borough Council

Inspectorate Reference: APP/X2410/W/21/3287864

Borough Council Reference: P/21/0491/2

February 2022

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1 Qualifications and Experience

- 1.1 I am Nigel Gould, Director of Planning at Heaton Planning Limited (Heatons). Heatons are a planning, environment, and design consultancy, with an experienced team of planners, landscape architects and ecologists.
- 1.2 I am a Chartered Planner (2001) with over 20 years of professional experience working for local planning authorities, waste operators and private consultancies. I have provided a range of planning services for sites and clients across the United Kingdom, including submission of applications, Environmental Statements, managing infrastructure projects, and representing local authorities and appellants at appeal.
- 1.3 I have a BSc degree in Geography and Geology from Cheltenham and Gloucester College of Higher Education (1995) and a post graduate diploma in Urban and Regional Planning from Sheffield Hallam University (2001).
- 1.4 The evidence which I have provided for this appeal is true and is given in accordance with the guidance of my professional institution. I confirm that the opinions given are my true and professional opinion.

2 Scope of my evidence

- 2.1 My evidence considers the grounds on which planning permission has been refused. It summarises and weighs the factors that need to be considered in accordance with the Development Plan, National Planning Policy Framework and other material considerations
- 2.2 It is noted that the second reason for refusal relating to Section 106 contributions is no longer part of the planning authority's case. Paragraph 23 of the January 2022 Statement of Common Ground lists the agreed heads of terms for the Section 106. I note that County Education have requested increased contributions for primary and secondary provision and that in turn they have made representations on this basis to PINS. I also note that County Education will be submitting a CIL compliance statement to reflect these changes to PINS by the 7th March 2022.
- 2.3 My evidence is structured as follows:

Section 3 The appeal site and its surroundings
Section 4 The planning history relevant to the appeal

Section 5 Planning policies relevant to the appeal
Section 6 The case for the Local Planning Authority
Section 7 Conclusion

3 The Appeal Site and Surroundings

3.1 This is described in paragraphs 6 to 15 of the Statement of Common Ground

4 Planning History Relevant to the Appeal

4.1 The planning history of the appeal site is described in paragraph 16 of the Statement of Common Ground.

4.2 This appeal is made against the refusal of Outline planning permission for up to 170 dwellings with all matters reserved except for means of access. The application was determined under powers delegated to officers. A copy of the decision notice and delegated report is contained within the appellants Core Documents CD5.01 and CD5.02.

4.3 The reasons for refusal are:

1. The local planning authority is of the opinion that the proposal would lead to the loss of an Area of Local Separation resulting in a significantly narrowed and reduced actual and perceived gap of open undeveloped land between the villages of Sileby and Cossington contrary to Core Strategy Policy CS11 and the saved policy CT/4 in the adopted Borough of Charnwood Local Plan. The resulting harm would also have a significant harmful impact to the character of the countryside and the separate identities of the villages of Sileby and Cossington which is well documented in Council studies and assessments. This would be contrary to interests of the well-established adopted planning policies, and emerging policies in the draft Charnwood Local Plan, to prevent the coalescence and merging of villages in the Soar Valley. This significant adverse impact is considered to significantly and demonstrably outweigh the benefits of allowing the development because of the harmful effect it would have on the purpose and integrity of the Area of Local Separation and would undermine its continuing planning function. To approve the development would be contrary to Policies CS1 and CS11 of Charnwood Core Strategy: Local Plan (2011), 'saved' Policies ST/2, CT/1 and CT/4 of the Charnwood Local Plan, Policies G1 and G2 of Sileby Neighbourhood Plan, and the aims and objectives of the National Planning Policy Framework. In combination these

harms are considered to significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.

2. The development creates demand for open space, education provision and healthcare services which cannot be met by existing services. Additionally, there is a need to secure affordable housing and an appropriate mix of type tenure and size of home in order to ensure that the proposal complies with development plan policy CS3. Notwithstanding the submitted Heads of Terms these matters have not been secured by way of a Section 106 Legal Agreement at this time. Accordingly, the development fails to comply with policies CS3 and CS 24 of the Development Plan and would lead to significant and demonstrable harm which would outweigh the benefits of the scheme.

5 Planning Policies relevant to the Appeal

Development Plan Policies

The relevant Development Plan policies can be found within the Statement of Common Ground in Section 3.

5.1 The Development Plan for Charnwood comprises:

The Charnwood Local Plan 2011 to 2028 Core Strategy (adopted 9th November 2015), (The Core Strategy).

Saved Policies of the Borough of Charnwood Local Plan 1991-2006 (adopted 12th January 2004), where these have not been superseded by the document listed directly below, (The Local Plan).

5.2 The Development Plan policies relevant in this appeal are:

5.3 Policy CS1 - Development Strategy – as the most important policy it sets out the sustainable development strategy for the Borough and the criteria for the considering proposals at different levels of the settlement hierarchy. Sileby is defined as one of seven Service Centre's across the borough, a settlement that does have access to a good range of services and facilities and can therefore accommodate moderate growth over the plan period. It provides for at least 3000 new homes within or adjoining Service Centres between 2011 and 2028 and states that Charnwood will respond positively to development that contributes towards meeting development needs and

which supports its strategic vision. The figure of a minimum 3,000 new homes are not disaggregated to individual Service Centre's.

- 5.4 Policy CS11 – Landscape and Countryside seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce a sense of place and local distinctiveness, tranquility and to maintain separate identities of settlements. It also requires the protection of the open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of settlements.

Saved Policies of the Borough of Charnwood Local Plan 1991-2006 (adopted 12th January 2004). The following policies which are relevant are:

- 5.5 Policy ST/2 - Limits to Development - This policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests.
- 5.6 Policy CT/1 – General Principle for Areas of Countryside, Green Wedge and Local Separation - This policy seeks to strictly control development outside the defined Limits to Development.
- 5.7 Policy CT/2 - Development in the Countryside - seeks to ensure that development acceptable in principle should not harm the character and appearance of the countryside and safeguard its amenity interests.
- 5.8 Policy CT/4 – Development in Areas of Local Separation – Development in these defined areas will only be permitted where the location, scale and design of the development would ensure that: The predominantly open and undeveloped character of the area is retained; and the already narrow gap between settlements is not reduced. The dense settlement pattern alongside the Soar and Wreake river valley and on the edge of Leicester and Loughborough results in narrow gaps between many of the settlements. In previous local plan exercises local residents have stressed the importance they place on preserving the separate identities of communities. These already narrow gaps should remain predominantly open and undeveloped to secure effective separation. The range of appropriate development is defined in Policy CT/1. Further background information on the evolution of this policy is set out in Technical Report No.2 to the Policy.

The Sileby Neighbourhood Plan (January 2020). The following policies which are relevant are:

- 5.9 Policy G1: Limits to Development. Development proposals within the settlement boundary will be supported where they comply with the policies in the Neighbourhood Plan. Land outside the defined limits to development will be treated as open countryside and carefully controlled in line with local and national policies. Development for the purposes of agriculture, rural exception sites for affordable housing and formal recreation, sport or tourism are considered appropriate in the countryside provide that they respect the character.
- 5.10 Policy H2: Windfall Development. Residential development on infill and redevelopment sites within the settlement boundary will be supported where: the development comprises a gap in existing frontage buildings; the development respects the shape and form of Sileby; where the development retains existing important natural boundaries; where the development does not reduce garden space; and where amenity is protected.

Other Material Considerations

The National Planning Policy Framework (NPPF)

- 5.11 The National Planning Policy Framework (The Framework) sets out the Government's planning policies and explains how these are to be applied. It is an important material consideration. Some key paragraphs are summarised below.
- 5.12 Paragraph 8 of the Framework sets out the presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation;

A social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high-quality built development with accessible local services;

An environmental role - contributing to protecting and enhancing our natural, built and historic environment.

- 5.13 Achieving these three roles is imperative for any scheme to be considered acceptable.
- 5.14 For decision-taking it means approving proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless 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. (Paragraph 11).
- 5.15 The framework states in paragraph 11 that, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, the most important policies for determining an application should be considered out of date.
- 5.16 Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, (including any neighbourhood plans), permission should not usually be granted.
- 5.17 Paragraph 13 of the NPPF states that the application of the presumption has implications for the way communities engage in neighbourhood planning and that neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies.
- 5.18 Paragraph 14 states that if in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

- 5.19 Paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area.
- 5.20 Paragraph 118 states that planning decisions should encourage the effective use of land by reusing land that has previously been developed.

6 The Case for the Local Planning Authority

The Key Issues

- 6.1 The Core Strategy (2015) and Saved Policies of the Charnwood Local Plan (2004) are now more than five years old. The Council can demonstrate a 3.34-year supply of housing but does not have a 5-year supply – as of the 31st March 2021. The appeal therefore falls to be determined in accordance with paragraph 11d. As the Sileby Neighborhood Plan does not include housing allocations paragraph 14 is not engaged. Paragraphs 36 to 43 of the Statement of Common Ground confirms that parties agree to these matters.
- 6.2 Whether the proposal would provide a sustainable form of development in line with national and local planning policy having regard for the spatial strategy of the development plan is the key planning question to be considered.

Development Strategy for Charnwood and the appeal site

- 6.3 The Core Strategy is the most recent component of the development plan reflecting the NPPF's presumption in favour of sustainable development. As the development strategy, Policy CS1 is at the heart of what the plan, as a whole is seeking to achieve. Policy CS1 is therefore among the most important policies.
- 6.4 Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for considering proposals within individual tiers of settlements. Policy CS1 provides for the provision of at least 13,940 new homes to 2028. The full objectively assessed need as it determined to be in 2015. It does so by establishing a spatial strategy and hierarchy of settlements which have been examined by an Inspector and found to be the most "appropriate strategy when considered against the reasonable alternatives". Sileby is defined as a Service Centre, a settlement that does

have access to a good range of services or facilities compared to other settlements and where residents rely largely on the private car for their day-to-day needs.

- 6.5 CS1 is an expression of a sustainable growth pattern for the Borough. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to Service Centres such as Sileby. In doing so it provides for at least 3000 new homes within or adjoining the settlement boundaries of Service Centres between 2011 and 2028. The term “at least” is used to provide flexibility within the plan at all tiers of the hierarchy with the aim of securing the overall pattern of development promoted by the Core Strategy rather than creating the ability to significantly exceed these figures.
- 6.6 In the period between the base date of 2011 and the latest full monitoring period of 31st March 2021 approximately 4,460 homes have been committed within Service Centre’s, this is 45% more homes than planned for in the Core Strategy for Service Centre’s. Moreover, of the 4460 homes already committed, 1,060 of these are at Sileby alone (23% of the allocation).
- 6.7 The ceiling for Service Centre villages in the Core Strategy was never intended to be that far from the 3,000 floor in the policy. Paragraphs 67-69 of the Core Strategy Inspector’s Report echo this view and he was clearly attentive to the notable levels of commitments that had already accrued in Service Centres. If the intended consequence of CS1 was to allow for a higher figure of homes, the policy would have been modified and a higher figure inserted for transparency. Furthermore, the Core Strategy process considered a number of alternative development strategies. One such alternative was a trend-based scenario which would have resulted in a greater quantum of housing allocated to the Service Centre settlements. That option was appraised for its sustainability and did not emerge as the preferred option. The Inspector therefore concluded that the strategy in Policy CS1, including the apportionment to Service Centres was justified. The Inspectors report on the examination into the Core Strategy is included at Council Core Document CD6.31. However, I acknowledge that the strategy as a whole was assumed to be able to maintain a sufficient supply of housing, and this at present is not being achieved as the current 3.34-year supply shows.

- 6.8 As part of his assessment, the Inspector examined levels of completions and commitments across the Borough. On this matter he concluded that planned provision had been exceeded but with overall targets adjusted accordingly, the plan set out a strategy which is well balanced, and which makes provision for supply of housing in a manner that is “justified, effective and consistent with national policy” (paragraph 86) is achieved. In reaching this conclusion, he clearly accepted the interplay between policies CS1 and ST/2 recognising that for all tiers of settlement only windfall development “within the settlement boundaries” was needed to supplement planned provision. This in turn is reflected in the Sileby Neighbourhood Plan Policy G1.
- 6.9 The application site is outside the settlement boundary of Sileby and within the countryside. The supporting text to Policy CS1 states that the Council only expects to see small scale windfall development within the settlement boundaries between 2014 and 2028. For that reason, the current appeal proposal for up to 170 dwellings should also be considered to conflict with Policy CS1.
- 6.10 Whilst Policy CS1 makes provision for new homes within and adjacent to Service Centre’s, paragraph 4.45 of the policy supporting text explains that there are already commitments sufficient to meet the levels of planned provision and only small-scale windfall development within the settlement boundaries is expected. In the case of new dwellings, paragraph 4.46 goes on to emphasise the priority for new development in Service Centre’s to be within their existing built-up areas. Up to 170 dwellings on a greenfield site could not be described as small scale.
- 6.11 This conflict with the strategy in Policy CS1 weighs against the application but I note that with the lack of 5-year housing supply the benefit arising from the delivery of housing attracts significant weight in the planning balance.
- 6.12 The site is not within the village development limits as defined within saved Local Plan Policy ST/2. The proposal is a greenfield site within countryside, a location where housing development is ordinarily strictly controlled unless there are exceptional circumstances. The proposal is therefore also contrary to saved development plan policies ST/2, and CT/1 of the Borough of Charnwood Local Plan 2004.
- 6.13 There is also no evidence to justify that the release of this greenfield site is required to meet a local housing need or that there is insufficient capacity

within the built-up area to meet that need. For these reasons, it is also considered that the proposal is also contrary to saved development plan policies CT/1 and ST/2 of the Local Plan.

- 6.14 Save Policy ST/2 and Policy G1 of the Sileby Neighbourhood Plan seek to restrict development outside the defined boundaries to development and given that they restrict housing growth the policies are considered to attract moderate weight.

Landscape and Countryside

- 6.15 Policy CS11 is also one of the most important policies in considering the proposal as it seeks to protect the character of the landscape and countryside, rather than explicitly seeking to control residential development, an important distinction in comparison to CS1 and ST/2. CS11 requires new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of Local Character Assessment. Furthermore, CS11 finishes by stating: We will protect the predominantly open and undeveloped character of Areas of Local Separation (ALS) unless new development clearly maintains the separation between the built-up areas of those settlements.
- 6.16 Saved policy CT/4 also seeks to protect local areas of separation and development will only be permitted that would ensure the open and undeveloped character of the area is retained and that the already narrow gap between settlements is not reduced.
- 6.17 These policies are broadly consistent with national planning policy and do not have a direct correlation with the supply of housing and as such are considered to attract significant weight.
- 6.18 The desire to prevent settlements from merging is consistent theme in national planning policy. With the linear development of the villages in the Soar Valley these areas of separation are particularly important. The first mention of an ALS was in the County Councils Structure Plan Monitoring Report of 1979, in paragraph J.66 it states: While in some cases the extent of separation will be large, in other cases the need to take other factors such as farmland quality into account will mean that the measure will be small, perhaps no more than the equivalent of a field. The same paragraph concludes by saying: Whatever the scale of separation appropriate in a particular locality it will be important to ensure that the necessary minimum degree of separation, once defined, will endure.

- 6.19 Saved Policy CT/4 and the reference in the policies map defines the ALS, which in turn is cross referenced in CS11. As these two policies hold significant weight, it is considered entirely appropriate that the ALS reference in the Core Strategy relies on the detailed map specification in the Save Policies. The appellant has suggested that the ALS is not defined in the NPPF and as such should be seen as an inconsistency. I do not agree. The NPPF has not changed in this regard since reference to the ALS was considered in the Core Strategy examination and indeed would not have been accepted if it was considered inconsistent with the NPPF. I am not aware that the ALS has been challenged as inconsistent in either the examination of the Core Strategy or in Local Plan representations. Further, the evidence based has been updated, reviewed, found to be suitable and carried through to the emerging Local Plan. The long-term policy basis for this area of separation continues to be valid and serve a legitimate purpose.
- 6.20 The application site is an arable field that has a policy designation as an ALS with a stated function of preventing the coalescence of Sileby and Cossington. This designation has been a feature of successive Development Plans for over 25 years. Despite this designation the landscape character has been assessed on several occasions. Core Documents CD6.06, CD6.07, CD6.08, CD6.09 and CD6.10 relate to such assessments and addendums.
- 6.21 Green Wedges, Urban Fringe Infrastructure Enhancement Zones and Areas of Local Separation, ARUP, (March 2016) [CD6.06], in its review of the ALS considered that the appeal site has a 'moderate' strength in performing as an ALS but acknowledges that it clearly has a function in separating Sileby and Cossington and that development pressure may compromise the gap leading to a merging of the settlements.
- 6.22 The purpose of Charnwood Landscape Capacity and Sensitivity Assessment Addendum February 2021[CD6.09] was to review a separate report – Landscape Sensitivity Assessment of SHLAA sites 2019. This strategic document assessed the sites against a number of factors including criteria based on landscape attributes most likely to be affected by development. The report was not a specific review of the ALS but acknowledges that: “The site plays a significant role in retaining the sense of separation between Sileby and Cossington to the south”.

- 6.23 The existing arable field has a narrow frontage onto Cossington Road, between the farm buildings of Brook Farm to the south and 235 Cossington Road to the North. The field is bordered to the north by the straight boundary hedge to dwellings on Chalfont Drive and Molyneaux Drive. The southern site boundary follows the edge of the farm buildings and the bends in the brook and has a mature screen of trees and hedges. Adjacent to the southern boundary is Derry's Garden Centre, above which and adjacent to the southern boundary to the appeal site is a development site for 130 dwellings.
- 6.24 The appeal site presents a tangible gap between the edge of Sileby and the developed edge of Cossington and the designation as an ALS has been a key factor in its retention.
- 6.25 I note that a site location plan with an indicative layout of 158 dwellings [CD1.02] and an illustrative masterplan [CD1.03] which expands on the indicative layout and includes areas of POS, LEAPS and SUDs were submitted with the application. I also note that the application was in outline with only the access detailed but in the absence of any other material a judgement needs to be made on the suitability of this site for residential development and its impact on the ALS and as such the indicative plans will need to be assessed. The east west, essentially rectangular form of the site and the straight boundary to the north means that to retain any area of separation the only layout can be that as indicated on CD1.02 and CD1.03. This in no way undermines the submission or implies any acceptance of the indicative plans. The proposal would reduce the area of separation and seriously undermine its purpose and effectiveness. Further the character of the remaining land would change from an unadulterated arable field to an urban managed landform. The area of separation would be compromised, and the character changed irrevocably.
- 6.26 For the reasons given I consider the loss of the identified ALS to be contrary to Policy CS11 and Save Policy ST/4. The proposal would lead to the loss of this important area of separation such that there would be no discernable gap between the edge of Sileby and the edge of Cossington.

Infrastructure and Delivery

- 6.27 The Council has been working with the appellant to agree a Section 106 agreement. The heads for terms for the Section 106 are contained in paragraph 23 of the Statement of Common Ground.

- 6.28 It is my understanding that a draft S106 has been prepared and that this will be submitted to the Council prior to the Inquiry. I am also aware that County Education have asked for further contributions to primary and secondary education and that they have been in direct contact with the appellant to resolve this matter. The Council is not involved in these discussions but would welcome the opportunity to review any updated figures if both parties can come to an agreed resolution.
- 6.29 It is considered that all the infrastructure requests comply with the CIL Regulations – subject to review of any amended education contribution. As mentioned in paragraph 2.2 of this proof, I would look to County to defend the CIL compliance of any agreed additional education contributions. It is considered that the proposal, without these contributions, would have an unacceptable impact on social infrastructure that would serve the development.
- 6.30 The Council accepts that a suitably worded legal agreement could overcome reason for refusal 2.

7 The Planning Balance

- 7.1 The adopted Core Strategy and saved policies of the Local Plan are the starting point for consideration of these proposals and would lead to the development being considered to be contrary to policy on the grounds that it is development in the countryside. The site is also in an Area of Local Separation where it is required to demonstrate that the appearance of openness is protected and maintained and prevents coalescence of settlements. However, the policies most important for determining the planning application are out of date in the absence of a 5-year housing land supply and as such, the presumption in favour of sustainable development of NPPF paragraph 11 d) applies.
- 7.2 The provision of up to 170 dwellings in an accessible location, of which at least 30% could be affordable homes, would make a useful contribution to housing supply within the Borough and would support the Government's objective to significantly boost the supply of homes. At a time where there is a borough wide housing shortfall and the council can demonstrate only 3.34 years housing land supply, the benefits of such housing provision are afforded significant positive weight.

- 7.3 The proposal would provide some economic benefit in terms of construction, local spend, council tax and home bonus but these are standard for all development proposals and is afforded limited weight.
- 7.4 It has been demonstrated that the development is acceptable in respect of highway safety and capacity. This is afforded neutral weight as all proposals are required to be safe and not have any severe impact upon highway safety.
- 7.5 The application site is not considered to have any significant ecological value and there is an opportunity to provide net biodiversity gains should approval be given. Development proposals are required to provide biodiversity benefits and therefore only moderate weight can be given to this as it is a requirement to mitigate the development.
- 7.6 The proposal would provide areas of equipped play and additional public open space above what a development of this quantum would be required through the Development Plan. Whilst this could be perceived as a benefit to the residents in this area its main purpose would be to mitigate its harm to the area of separation and landscape. There is a particular shortfall in provision for Young People (Teenagers), Allotments and Outdoor Sport in Sileby that will be made worse and the benefit of the scheme in terms of public open space provision is, therefore, limited.
- 7.7 Whilst it is recognised that the weight to be given to this development strategy is at this time reduced there are other areas of significant and demonstrable harm which must be considered alongside this. The proposal would cause significant harm to the character and appearance of the landscape and the setting of, as well as visual harm from a number of viewpoints and result in harm to Area of Separation protecting the separate identities of Sileby and Cossington. These harms are considered to outweigh the benefits of the scheme when taken as a whole.
- 7.8 When applying the tilted balance, the harms associated with the development are considered to be demonstrable and significant to outweigh the benefits of housing provision and limited economic benefit.

8 Conclusion

- 8.1 The Council is acutely aware of the need to deliver housing and to get back to a position where it does have a 5-year housing land supply. The Council has and continues to make difficult decisions on residential planning applications on housing sites outside the defined settlement boundary.

One such example being the planning application (P/20/2393/2) for 130 dwellings off Humble Lane, Cossington, directly south of the appeal site [CD7.01]. On page 48 of the committee report it states: “Given the location of the housing land away from the northern edge of the site, the existing appearance of the entrance to the village from Sileby to the north would not be completely lost”. In contrast I consider that this proposal would result in a loss of separation and as such a loss of the existing entrance to Sileby and by default Cossington.

- 8.2 The Council have also made difficult decisions for residential applications on sites outside of the settlement boundary and within an ALS – planning application [CD7.02] P/20/2140/2. In this case the development of a part of the ALS between Rothley and Birstall was sensitively designed and critically only related to a small area of the ALS. As such the purpose of the ALS designation was retained. In contrast I consider that the specifics of the appeal site mean that any development would lead to the loss of the area of separation and effectively remove this protection.
- 8.3 I recognise that the proposal brings the benefit of new homes at a time when these are required, and the other benefits identified by the appellant, but there are other areas of significant and demonstrable harm which must be considered alongside these. The proposal would cause significant harm to the character and appearance of the landscape and harm to the Area of Separation protecting the separate identities of Sileby and Cossington.
- 8.4 When applying the tilted balance, I acknowledge the need not to apply the restrictive policies in the development plan too robustly, but in this case, I consider that the adverse impacts associated with the proposed development are such as to demonstrably and significantly outweigh the benefits and as such I stand by the first reason for refusal issued by the Council.
- 8.5 If the Inspector is minded to allow the appeal an agreed list of draft planning conditions is contained in the core document list – CD10.4. The heads of terms for a S106 Agreement are listed in the Statement of Common Ground.