

Appeal by David Wilson Homes East Midlands and Anthony Raymond Shuttlewood

Land at Cossington Road, Sileby

Against the refusal of outline planning permission by Charnwood Borough
Council for application P/21/0491/2

*“Outline planning application for up to 170 dwellings (including affordable
housing) with all matters reserved other than access together with associated
landscaping and other infrastructure.”*

Proof of Evidence

February 2021

Town and Country Planning Act 1990 – Section 78

Town and County Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning (Inquiries Procedure) (England) Rules 2002

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1. Introduction

- 1.1 This Proof of Evidence has been prepared on behalf of David Wilson Homes East Midlands and Anthony Raymond Shuttlewood (the appellants) in relation to their appeal against the decision of Charnwood Borough Council (CBC) to refuse to grant outline planning application for up to 170 dwellings (all matters reserved other than access together with associated landscaping and other infrastructure) (LPA ref: P/21/0491/2, PINS ref: APP/X2410/W/21/3287864).
- 1.2 This proof of evidence addresses the planning considerations relevant to the appeal and should be read in conjunction with the Landscape proof of evidence prepared by Mr Andrew Cook, which covers matters relating to Landscape and the Area of Local Separation.

Qualifications

- 1.3 I am Angela Smedley, I am a Chartered Town Planner and Associate Director of Planning at Fisher German, based in Ashby de la Zouch, Leicestershire. I hold a B.A.(Hons) and Postgraduate Diploma in Town Planning from the University of Nottingham. I am a member of the Royal Town Planning Institute.
- 1.4 I have over 16 years professional planning experience in the private sector, with over 8 years at Fisher German, and have acted for a variety of clients on a wide range of projects including residential, commercial, retail and renewable energy on behalf of national, regional and local house builders, businesses, charities and private landowners.
- 1.5 I am familiar with the site and the details of the case. 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 comprise my true professional opinions which are expressed irrespective of by whom I am instructed.
- 1.6 I have provided a summary of my proof and set of appendices. I also refer to several core documents and the Planning Statement of Common Ground (SoCG) and Landscape SoCG.

Structure of Evidence

1.7 This proof of evidence is structured under the following sections:

- Section 2 – The site and its surroundings
- Section 3 – The appeal proposal
- Section 4 – Planning Policy Context
- Section 5 – The Inspector's main issue a)
- Section 6 – The Inspector's main issue b)
- Section 7 – The Inspectors main issue c)
- Section 8 – The Inspectors main issue d)
- Section 9 – Conclusions and planning balance
- Appendices

2. The site and its surroundings

Site description and location

- 2.1 A description of the appeal site and its surroundings is set out in paragraphs 6 to 15 of the Planning SoCG. In summary, the appeal site is approximately 10.17 hectares (ha) in area (of which 4.29 ha is proposed for residential development and 5.88 ha of public open space). The site is bound by the existing built residential form of Sileby to the north, the railway embankment to the east, land associated with Brook Farm, Derries Nurseries and a watercourse to the south and Cossington Road and residential development beyond to the west. The site gently slopes upwards from Cossington Road to the northeast corner and is presently in agricultural use.
- 2.2 It is agreed that the appeal site is locationally sustainable in principle in transport and accessibility terms. There are a range of local services to meet day to day needs within relatively easy walking and cycling distance of the appeal site are set out in paragraph 53 of the Planning SoCG.
- 2.3 As set out in the Planning SoCG, it is agreed that Sileby is one of the more sustainable settlements within Charnwood to provide for additional growth. The settlement provides a range of services and facilities including a doctors' surgery, dentist, veterinary practice, library, parish hall, convenience food stores, post office, restaurants and takeaways, public houses. There are a number of educational facilities within the settlement and in close proximity to the application site, including a nursery and primary schools. The nearest secondary schools can be found in nearby Barrow upon Soar, Syston, Quorn and Birstall, all of which can be accessed by bus. A Plan showing many of these facilities in proximity to the appeal site is located within the Design and Access (**Page 28, CD1.16**).
- 2.4 Sileby also contains a number of parks and areas of public open space, and a Cricket Club. The nearest bus stops to the site are located on Cossington Road, approximately 100m from the development. These bus stops are served by the 3 service which runs between Loughborough and Leicester, which provides access to a wide variety of employment opportunities and larger retail facilities. The times of service and frequency would reasonably service commuting, and travel for other reasons. Sileby also benefits from a Train Station, which provides ready access to the wider region via the Midland Main Line. This includes services to Leicester, Nottingham and Lincoln.

2.5 Sileby is identified in the Core Strategy (CD6.03) as Service Centre. After the two main urban areas of Loughborough and Shepshed, the Service Centres are the highest tier of settlement followed by Other Settlements and Small Villages and Hamlets. Other Settlements and Small Villages and Hamlets rely on Service Centres, such as Sileby, for the provision of services and facilities. Nearby Other Settlements include Cossington (650m), East Goscote (5km), Queniborough (5km), Rearsby(6.5km), Thrussington (6km) and Thurcaston (6.2km), as well as the Small Villages and Hamlets of Ratcliffe on the Wreake (3.8km), The Ridegway Area of Rothley (4.5km) and Seagrave (4.4km).

Planning History

2.6 As set out in paragraph 16 of the Planning SoCG, there is no known planning history in respect of the site.

3. The Appeal Proposal

3.1 As set out at paragraph 17 of the Planning SoCG, the appellant seeks outline planning permission with all matters reserved save for means of access, for a residential development comprising:

- Up to 170 dwellings which include a mix of dwelling types and sizes to meet a range of housebuilder needs;
- 30% affordable housing
- Vehicular access onto Cossington Road; and
- New public open space, totalling approximately 5.88 ha (57.8% of the appeal site area), including a Locally Equipped Area of Play (LEAP), together with surface water attenuation.

The Appeal Application

3.2 The proposed development was subject to community engagement through a public consultation, as described in the Statement of Community Involvement (**CD 1.12**), undertaken prior to submission of the appeal application.

3.3 The application was submitted on 2nd March 2021. It was supported by a comprehensive suite of technical reports in accordance with the Council's planning application validation requirements (**CD1.01 - 1.16**). It was validated on 24th March 2021 and given the reference: P/21/0491/2. During the determination of the application, the submission documents were supplemented by various documents (**CD2.01 - 2.08**) provided at the post submission stage in response to matters raised either by statutory consultees or Officers. The post submission documents addressed matters in relation to highways, flood risk and drainage, agricultural land classification, developer contributions and design (in relation to landscape and the Area of Local Separation).

3.4 As confirmed in the Planning SoCG, no objection to the application was received by the following statutory consultees: CBC Housing Strategy and Support, CBC Conservation, CBC Open Spaces, LCC as Lead Flood Authority, LCC as Highway Authority, LCC Education, LCC Developer Contributions, Leicestershire Police, Environment Agency, Network Rail, NHS CCG, and Natural England

3.5 Objections to the appeal application were nonetheless received from CBC's Landscape Officer, Sileby Parish Council and Cossington Parish Council.

- 3.6 CBC's Landscape Officer considered that the proposal would have a "substantial effect on the purpose of the Area of Local Separation and result in settlement coalescence". The site is described as the last "significant area of open rural landscape between the two settlements". The response (CD4.25) acknowledged the submitted illustrative masterplan (CD2.06) but concluded that "the proposed development does not 'clearly maintain the separation between the built-up area of these settlements' precisely because the proposed urban open space would read not as open countryside (see CS11) but as urban provision of public amenity. The effect of the proposal would be to urbanise and thus to marry the two settlements". The Officer also concludes the proposal would "have significant effect on landscape character and visual quality as well as the setting of the Charnwood Forest as viewed from the east".
- 3.7 Sileby Parish Council objected on grounds including conflict with the Neighbourhood Plan, the Local Plan and the Core Strategy advising that the housing requirement for Sileby had been met. The response (CD4.17) advised of "*substantive and significant harm to the Area of Local Separation between Sileby and Cossington*". Cossington Parish Council objected (CD4.18) on the grounds of increased traffic on the roads through the village, additional flood risk, impacts on village character, lack of capacity at the Primary school and capacity of the Doctors surgery.
- 3.8 The application was determined by Officers under delegated powers and the decision notice was issued on 17th September 2021 and set out two RFR, repeated below for ease of reference:
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 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, '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 CS24 of the Development Plan and would lead to significant and demonstrable harm which would outweigh the benefits of the scheme.

4. Planning Policy Context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (the 'NPPF') is obviously an important material consideration.

National Planning Policy and Guidance

- 4.2 The National Planning Policy Framework (the NPPF) and the Planning Practice Guidance set out the Government's planning policies, and how they are expected to be applied. Relevant parts are set out in the Planning SOCG.

Development Plan

Adopted Planning Policy

- 4.3 As set out in Paragraph 24 of the Planning SoCG, the Development Plan comprises:
- The Saved Policies of the Charnwood Local Plan 2004 (CLP) (adopted January 2004) (CD6.01). The Local Plan covered the period 1991 to 2006. The document was prepared in accordance with previous National Planning Policy, which has subsequently been replaced by the NPPF. The policies which form part of the Development Plan were saved by a direction of the Secretary of State in in September 2007. The saved policies remain part of the Development Plan some 15 years later.
 - The Charnwood Local Plan 2011 to 2028 Core Strategy (CCS) (Adopted November 2015) (CD6.03). The Core Strategy is over five years old and thus requires review. The housing requirement contained within the Core Strategy, was based on the Leicester and Leicestershire Strategic Housing Market Assessment (2014) (SHMA), which is also out of date being well over five years old.
 - Sileby Neighbourhood Plan (SNP) (Made in January 2020) (CD6.13). This Neighbourhood Plan passed a Referendum on 21st November 2019 and was Made on 16th January 2020.
- 4.4 Policies CS1 and CS11 of the Core Strategy and Policies ST/2 and CT/1 of the Borough of Charnwood Local Plan and Policy G1 of the Sileby Neighbourhood Plan are considered the most important for making a decision on the appeal application as they relate to the supply of housing and consideration of effects

upon Areas of Local Separation and landscape. The Officers Report (Page 18, CD5.02) agrees with this position.

- 4.5 The tilted balance, identified in paragraph 11 of the NPPF, is engaged as the Council is unable to demonstrate the minimum five-year housing land supply required under paragraph 73 of the NPPF and because of the age of the plan and the seriously out of date evidence it relies on. This is agreed in the Planning SoCG (Paragraphs 40-42, Planning SoCG).
- 4.6 The Core Strategy became more than 5 years old on 9th November 2020 and, as required by paragraph 74 of the NPPF, housing need is therefore now to be assessed based on the standard methodology set out in national planning guidance. The Officers Report confirms that the standard methodology required delivery of 1,111 dpa against the Core Strategy figure of 820 dpa. On this basis the Council can only demonstrate a 3.34-year housing land supply – also set out within the Planning SoCG (Page 41).
- 4.7 Given the lack of five year supply of housing, Policies CS1, CS11, ST/2 and G1 which relate to the supply of housing are therefore considered to be out of date. The Officer's Report agrees with this position (Page 18, CD5.02), save for Policy CS11.
- 4.8 Further to the above, the NPPF states that at Paragraph 14 that 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, provided a number of criteria are met. Two such criteria include a) whether the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made; and b) whether the neighbourhood plan contains policies and allocations to meet its identified housing requirement. Neither of these criteria are met and as such the provisions afforded at Paragraph 14 do not apply. The Officer's Report agrees with this position and states:

"The Neighbourhood Plan for Sileby was made on 16 January 2020, and as such its policies carry full weight, unless they relate to housing supply. As there are no unreserved housing allocations within the neighbourhood plan to meet an identified need, any conflict with policies relating to the provision of housing cannot be considered as significant and demonstrable harm sufficient to outweigh the identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative". (Pages 18 and 19, CD5.02)

4.9 The policies considered the most important for making a decision on the appeal application are discussed in turn below, along with Policy CT/4 of the Borough of Charnwood Local Plan and Policy G2 of the Sileby Neighbourhood Plan which are also referred to in RFR1. The consistency with the NPPF is also discussed. For ease, a Summary Table of the Weight and Conflict attributed to each policy is found at **Table 1, Appendix 1**.

Charnwood Core Strategy Policy CS1: Development Strategy

4.10 Paragraph 4.19 (**Page 22, CD6.03**) of the Core Strategy states:

“Outside the main urban areas, there are also seven larger settlements which function as Service Centres to the more rural parts of our Borough. These settlements are Anstey, Barrow upon Soar, Mountsorrel, Quorn, Rothley, Sileby and Syston. They have a good range of services and community facilities including shops, schools and health centres. Whilst not appropriate locations for sustainable urban extensions, they provide a sustainable location for a smaller scale of development, appropriate in size to their character and the services and facilities they contain”.

4.11 As I have set out in Section 2 of my Proof of Evidence, Service Centres are the highest tier of settlement after the two main urban areas of Loughborough and Shepshed, followed by Other Settlements and Small Villages and Hamlets. Other Settlements and Small Villages and Hamlets rely on Service Centres, such as Sileby, for the provision of services and facilities.

4.12 Paragraph 4.43 advises that each Service Centre has the following services and facilities:

- *“a primary school and good access to a secondary school;*
- *access to employment opportunities;*
- *food shops and a post office;*
- *good access to a doctors surgery;*
- *a good, regular public transport services to at least one main urban centre and reasonable bus access to nearby villages; and*
- *a good range of recreation, leisure and community facilities”*

4.13 Sileby is identified as one of seven Service Centres. Policy CS1 states:

“We will plan positively for the role of Service Centres (Anstey, Barrow Upon Soar, Mountsorrel, Quorn, Rothley, Sileby and Syston). We will do this by;

- *providing for at least 3,000 new homes and approximately 7 hectares of employment land within and adjoining our Service Centres between 2011 and 2028;*
- *safeguarding services and facilities; and*
- *responding positively to sustainable development which contributes towards meeting our development needs, supports our strategic vision, makes effective use of land and is in accordance with the policies in this strategy”.*

4.14 Below the Service Centres, the Core Strategy identifies ‘Other Settlements’ and ‘Small Villages and Hamlets’. In discussing the ‘Other Settlements’, paragraph 4.47 of the Core Strategy (Page 27, CD6.03) advises that *“Many of our villages do not generally have access to a good range of services or facilities and rely largely on the private car for their day to day needs. Our strategy allows for some development in these locations to help us to protect and where possible increase services and facilities within them.”*

4.15 Paragraphs 4.48 and 4.49 explain that the ‘Other Settlements’ are those where the village has four or more key services and facilities and bus access to a Service Centre, town or City. 12 villages are classified as ‘Other Settlements’. Policy CS1 seeks to *“meet the local social and economic need for development in other settlements”* by providing for at least 500 new homes within settlement boundaries and *“responding positively”* to small-scale opportunities within defined limits to development and affordable housing developments.

4.16 For the Small Villages and Hamlets Policy CS1 safeguards the services and facilities and states that the Council will *“respond positively to development that meets a specific local social or economic need in our smallest settlements”*.

4.17 As set out at paragraph 4.6 of my Proof, Core Strategy Policy CS1 is out of date, firstly because the Council cannot demonstrate a five-year housing land supply and secondly because it seeks to support a level of growth based on a housing requirement, which is grossly out of date. The housing requirement reflects growth levels derived from the Leicester and Leicestershire Strategic Housing Market Assessment (2014) (SHMA) (CD6.19), which seeks the delivery of 820 dwellings per annum, against the Local Housing Need derived from the Standard Method of 1,111 dwellings per annum.

4.18 The Officer agrees that Policy CS1 is out-of-date and affords “only moderate weight” (Appendix 1) for the reasons set out below:

"Policy CS1 represents the strategic vision of the borough and is an expression of a sustainable growth pattern. 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 the smaller villages. In doing so it provides for at least 3,000 new homes within or adjoining Service centres such as Sileby. The Local Planning Authority can currently demonstrate 3.34 years housing land supply and the Core Strategy is more than five years old. Accordingly, policy CS1 carries only moderate weight". (Page 19, CD5.02).

4.19 Notwithstanding the above position, the Officer's Report goes on to consider a conflict with CS1, albeit states that the delivery of housing should attract significant weight in the planning balance as follows:

"In the period between the base date of 2011 and the latest full monitoring period of 31st March 2021, 4,460 homes have been completed or committed within Service Centre Settlements; 45% more homes than provided for in the Core Strategy for Service Centres. This represents a disproportionate level of growth within this tier of the hierarchy and additional development would further undermine the spatial strategy and strategic vision of the borough as set out in Policy CS1. Moreover, of the 4460 homes already committed, 1,060 of these are at Sileby alone (23% of allocation). On the basis that there are seven Service Centres within the Borough, such a level of commitment in respect of just one of these settlements is considered to be disproportionate. To provide a further 170 homes adjoining Sileby would add to the already excessive level of housing commitments in Service Centres, when compared with levels the Core Strategy plans for, and to the disproportionate level of housing provision within Sileby. This conflict with CS1 weighs against the application however it must be noted that due to the current shortfall in the 5 year supply the benefit arising from the delivery of housing, including affordable housing, attracts significant weight in the planning balance." (Page 19, CD5.02)

4.20 The overall housing target which Policy CS1 seeks to deliver is clearly identified as a minimum figure and therefore, it follows that the housing figures for each of the settlement tiers must also be considered as minima. There is nothing within the policy to place an upper limit on growth in a single settlement or tier. Nonetheless I accept that there may be other considerations which may limit the ability of a settlement to accommodate growth and I consider those below.

4.21 In terms of spatial role, it is considered that Sileby is demonstrably a sustainable settlement, suitable for additional growth, as reflected in response to the Inspector's Main Issue a). The suitability of Sileby for

new housing growth and its ability to accommodate further growth is acknowledged in the emerging Local Plan (CD6.04). Accepting that the emerging Local Plan carries limited weight, the Plan proposes to allocate a further 1,819 dwellings in the Service Centres, of which, an additional 345 are proposed at Sibleby.

- 4.22 Policy CS1 seeks to deliver a spatial strategy which is based on an out-of-date housing requirement arising from the SHMA (CD6.19), some 291 dwellings per annum (dpa) short of the Council’s Local Housing Need (see Table 2 below). In addition, the Council is unable to demonstrate a five-year housing land supply, with a significant shortfall, at just 3.34 years supply.
- 4.23 I disagree that only moderate weight should be afforded to Policy CS1, and consider that’s only **limited weight** should be applied (Appendix 1), with significant weight afforded to the provision of housing in the planning balance. The Planning SoCG confirms at paragraph 43, that ‘limited weight’ can be attributed to Core Strategy Policy CS1 (Appendix 1).
- 4.24 Furthermore, whilst reporting a measurement of 145% against the 2021 Housing Delivery Test, this is based on the now out-of-date Core Strategy requirements. When assessed against the up-to-date LHN the Council would score 96.75%, (see Table 2 below), considerably less than the out-of-date needs. Whilst I accept that the HDT is based upon the requirement of the Plan – it is nonetheless important to note that it is being measured against a requirement which is out of date.

	Annual Requirement	2021 HDT
Core Strategy (2015)	820	145%
LHN (using Standard Method)	1,111	96.75%
	-291	

Table 2, Annual Requirements vs Delivery Results

Charnwood Core Strategy Policy CS11: Landscape and Countryside

- 4.25 Core Strategy Policy CS11 (Page 68, CD6.03) states that the Council “will support and protect the character of our landscape and countryside”. The policy states that it will do this by:
- “requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments;

- requiring new development to take into account and mitigate its impact on tranquillity;
- requiring new development to maintain the separate identities of our towns and villages;
- supporting rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries and contributes to a low carbon economy, in accordance with Policy CS10;
- supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan; and
- supporting rural communities by allowing housing development for local needs in accordance with Policy CS3”.

4.26 The policy goes on to state that:

*“We will protect the predominantly open and undeveloped character of Areas of Local Separation **unless new development clearly maintains the separation between the built-up areas of these settlements**”.*

4.27 Policy CS11 therefore allows for a judgement to be made about whether “*new development clearly maintains the separation between the built-up areas of these settlements*”. This judgement is not one which can simply be made by looking at a plan; it is more nuanced requiring both qualitative and quantitative factors to be considered.

4.28 The appeal site falls within the ‘Sileby/Cossington’ Area of Local Separation (ALS) as listed within supporting Paragraph 7.14 (Page 67, CD6.03) and illustrated on the Local Plan Proposals Map (CD6.02).

4.29 The supporting text to Policy CS11, at paragraph 7.15 (Page 67, CD6.03) states:

“The retention of Areas of Local Separation will be balanced against the need to provide new development, including new homes, in the most sustainable locations”.

4.30 As Policy CS11 seeks to protect and maintain the undeveloped character between settlements, and retention of such Areas of Local Separation needs to be balanced in providing new homes, then it is considered to relate to the supply of housing. Accordingly, it is considered to be out-of-date.

4.31 The Officers Report (**Page 18, CD5.02**) disagrees and considers Policy CS11 is up to date as it is “*broadly consistent with national policy*” and does “*not have such a direct relationship with the supply of housing*”. The latter statement contradicting the policy’s supporting text at paragraph 7.15 of the Core Strategy (**Page 67, CD6.03**), which clearly recognises a need to balance the retention of the ALS against the need to provide new homes. The Officer’s goes on to state Policy CS11 is considered to attract **significant** weight (**Appendix 1**). I do not agree with this position.

4.32 I consider that the level of weight which the Officer has given to Policy CS11 is overstated. It is also contrary to the application and weight it has been given by CBC Officers determining residential applications in other applications involving sites within Areas of Local Separation. For example, in considering an outline planning application for 200 dwellings at Land at Melton Road, Queniborough (P/20/1605/2), the Officers Report (**CD7.06**), which recommended the application for approval, states:

*“In light of the Core Strategy being out of date and the Council no longer being able to demonstrate a five year housing land supply the adopted development plan policies which restrict the supply of housing, including Policy CS1, **CS11**, ST/2 and CT/4, are only to be given **moderate** weight in the consideration of this application”.*

4.33 The application, referred to above, is considered in the same context as the appeal application, with the Core Strategy being out-of-date and the Council being unable to demonstrate a five-year housing land supply. Further, the ALS at Queniborough is identified by the Council’s Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation Methodology and Assessment Findings Report (March 2016) (**CD6.06**) as having a ‘*strong purpose*’; this is in contrast to the ‘*moderate purpose*’ the same document identifies the ALS at the appeal application as demonstrating.

4.34 The Queniborough scheme was refused against the Officers recommendation to approve in March 2021. The site is currently identified as a proposed allocation (Ref: HA64) for 100 dwellings in the emerging Charnwood Local Plan (**CD6.04 and CD6.05**).

4.35 In my judgment, Policy CS11 carries ‘**limited weight**’ (**Appendix 1**).

Charnwood Local Plan 2004 Saved Policy ST/2: Limits to Development

4.36 Saved Local Plan Policy ST/2 is a 'settlement limits' policy. The Policy states:

"Built development will be confined to allocated sites and other land within the Limits to Development identified on the Proposals Map, subject to the specific exceptions set out in this Plan." (Page 22, Paragraph 2.65, CD6.01)

4.37 Saved Policy ST/2 is out of date, firstly because the Council cannot demonstrate a five-year housing land supply and is considered to be a policy relating to the supply of housing, and secondly because the 'limits to development' were prepared to reflect a level of housing need derived from the replacement Structure Plan for Leicestershire (1991 – 2006), adopted in January 1994. At that stage the adopted annual housing requirement was 556 dpa, almost half of the current annual housing need for the Borough of 1,111 dpa. The 'limits to development', for a Plan period commencing almost 30 years ago, and whose plan period needs ended 16 years ago, are therefore clearly inappropriate for meeting current housing need. The geographic extent of the settlement boundary in Sileby, and elsewhere in Charnwood, is plainly seriously out of date.

4.38 Further, it is relevant that the Council has regularly applied Saved Local Plan Policy ST/2 and allowed a breach of the policy by approving residential schemes beyond the limits to development and intend on allocating a large number of sites beyond the current limits to development in the emerging Local Plan, based largely upon the requirement to meet up to date needs.

4.39 In the context of the above, conflict with Saved Local Plan Policy ST/2 can be given **no more than limited weight (Appendix 1)**. The Planning SoCG confirms at Paragraph 43 that only limited weight can be attributed to Saved Local Plan Policy ST/2.

4.40 Page 18 of the Officers Report (CD5.02) confirms that Saved Local Plan Policy ST/2 is out of date as it relates to the supply of housing and the Council is unable to identify a five-year housing land supply. Despite this, in determining the level of weight to give to Saved Local Plan Policy ST/2, the Officer states:

"The application site is outside the limits to development of Sileby and within countryside and more importantly an area that has a long standing policy designation as an Area of Local Separation to prevent coalescence with Cossington. Saved policy ST/2 of the Borough of Charnwood Local Plan (2004) and Policy G1 of Sileby Neighbourhood Plan seek to restrict development outside of the defined boundary limits to development and within the countryside. Given that Policy ST/2 and Sileby Neighbourhood Plan

Policy G1 restricts housing growth the policies are considered to attract moderate weight." (Page 20, CD5.02) (Appendix 1).

- 4.41 I disagree with the level of weight which the Officers affords to the policy. Saved Local Plan Policy ST/2 is out of date, both by virtue of being time expired and as a result of the Council being unable to demonstrate a five-year housing land supply.
- 4.42 The Planning SoCG confirms at Paragraph 43 that only **limited weight** can be attributed to Saved Local Plan Policy ST/2 (Appendix 1).

Charnwood Local Plan 2004 Saved Policy CT/1: General Principles for Areas of Countryside, Green Wedge and Local Separation

- 4.43 Saved Local Plan Policy CT/1 sets out the 'general principles' for Areas of Countryside, Green Wedge and Local Separation. The policy states:

"Land lying outside the defined Limits to Development is variously identified on the Proposals Map as Countryside, Green Wedge and Areas of Local Separation.

Development within these areas of generally open land will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature, and small-scale new built development, where there would not be a significant adverse environmental impact and the proposal would:

- i) be essential for the efficient long-term operation of agriculture, horticulture or forestry; or*
- ii) facilitate the diversification of the rural economy; or*
- iii) improve facilities for recreation, or leisure uses; or*
- iv) implement strategically important schemes for mineral related uses, transport infrastructure, and for public services or utilities.*

In all cases it should be demonstrated that the proposed development could not reasonably be located within or adjacent to an existing settlement".

- 4.44 It is my view that Saved Local Plan Policy CT/1 is inconsistent with the NPPF. The policy seeks to restrict development in a similar manner to Green Belt policy. The NPPF is more permissive of development in the

open countryside than previous iterations of National Planning Policy; Saved Local Plan Policy CT/1 does not reflect this position.

- 4.45 Further, by its nature, Saved Local Plan Policy CT/1 reflects the limits to development, which as I referred to in respect of Saved Local Plan Policy ST/2, are out of date as they no longer respond to the current local housing need requirement. Saved Policy CT/1 cannot therefore be considered to be up to date. As with Saved Local Plan Policy ST/2, CBC have allowed a breach of Saved Local Plan Policy CT/1 on numerous occasions by approving residential schemes on 'land lying outside the defined limits to development'.
- 4.46 Saved Local Plan Policy CT/1 is out of date and only **limited weight** can be given to it (**Appendix 1**).
- 4.47 Officers disagree with this position. The Officer's Report considers Saved Local Plan Policy CT/1 to be up-to-date, stating it is broadly consistent with national planning policy and does not have such a direct relationship with the supply of housing (**Page 18, CD5.02**) (**Appendix 1**). The Officer does not assess the level of weight to be given to the policy.

Local Plan 2004 Saved Policy CT/4: Development in Areas of Local Separation

- 4.48 Saved Local Plan Policy CT/4 is not specified by the Officer as one of the "most important" policies in the determination of the appeal application but is referred to throughout the Officers Report and within RFR1. Saved Policy CT/4 is intrinsically linked to Saved Policy CT/1, its drafting suggesting a proposed development needs to have satisfied the tests of Saved Policy CT/1 before Saved Policy CT/4 is applied. The policy states:

"In areas of local separation development acceptable in principle will only be permitted where the location, scale and design of development would ensure that:

- i) *the predominantly open and undeveloped character of the area is retained; and*
- ii) *the already narrow gap between settlements is not reduced"* (**Page 109, Paragraph 6.23, CD6.01**).

- 4.49 For the same reasons as I detail in respect of Saved Policy CT/1, I consider Local Plan Saved Policy CT/4 to be inconsistent with the NPPF. The approach of the Council to these policies, when read together is to seek to restrict development in a similar manner to Green Belt policy, sterilising all land within an ALS from

development. The NPPF is more permissive of development in the open countryside than previous iterations of National Planning Policy.

- 4.50 As Policy CT/4 represents an outright ban on open market housing within the Area of Local Separation, then the effect of is therefore very relevant to the supply of housing. Accordingly, it is considered to be out-of-date.
- 4.51 The Officer does not assess the consistency of the policy with the NPPF, nor the level of weight to be given to the policy. This is contrary to the application and weight it has been given by CBC Officers determining other residential applications, including Land at Melton Road, Queniborough (P/20/1605/2). As with Policy CS11, the Officers Report (**Page 17, CD7.06**) considers that Policy CT/4 should only be afforded moderate weight due to the policy restricting the supply of housing and the Council unable to demonstrate a five year housing land supply.
- 4.52 The Council have demonstrated clear inconsistencies in their approach to applying policies for the supply of housing and weight to be attached to them.
- 4.53 I consider that **limited weight** should be given to a breach of Saved Local Plan Policy CT/4 (**Appendix 1**), especially where there is only limited erosion of the meaningful extent of the gap between settlements.
- 4.54 Further, given the inconsistencies of Saved Local Plan Policy CT/4 with Policy CS11 of the Core Strategy, which allows a judgment to be made about whether *“new development clearly maintains the separation between the built-up areas”* Core Strategy Policy CS11 should be preferred in the policy matrix.

Sileby Neighbourhood Plan

- 4.55 The NPPF states that at Paragraph 14 that 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, provided a number of criteria are met.
- 4.56 For paragraph 14 to be engaged, the four criteria to be met are considered in turn below. Note failure to satisfy just one criterion disengages the provisions of Paragraph 14.

- a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*

It is agreed that the Neighbourhood Plan has formed part of the Development Plan for over two years.

- b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

The Neighbourhood Plan identifies a housing requirement, however the requirement identified is not appropriate and sufficient provision has not been made to meet a robustly established neighbourhood plan housing requirement. Notwithstanding this, as the Neighbourhood Plan does not contain any unreserved housing allocations and, accordingly, this criterion cannot be met.

- c) *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*

It is agreed that the Council can demonstrate at least a 3-year housing land supply, with the agreed position being 3.34 years.

- d) *the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

The Council's most recent housing delivery test was at least 45% of that required (2021 result was 145% of the housing delivered)

4.57 Criterion a and b of Paragraph 14 are not satisfied; therefore the provisions of paragraph 14 are not engaged and any conflict with the Neighbourhood Plan cannot therefore be considered as significant and demonstrable harm to outweigh the identified benefits on its own.

4.58 The Officer agrees with this position, confirming that the provisions of Paragraph 14 of the NPPF are not applicable within the Officer's Report, stating:

"The Neighbourhood Plan for Sileby was made on 16 January 2020, and as such its policies carry full weight, unless they relate to housing supply. As there are no unreserved housing allocations within the neighbourhood plan to meet an identified need, any conflict with policies relating to the provision of housing cannot be considered as significant and demonstrable harm sufficient to outweigh the identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative". (Pages 18 and 19, CD5.02)

- 4.59 The Planning SoCG confirms at Paragraph 43 that Paragraph 14 of the NPPF is not engaged as the Sileby Neighbourhood Plan, became part of the development plan more than two years ago and does not make any full housing allocations to meet an identified need. Accordingly, it is agreed that conflict with the neighbourhood plan cannot be considered as significant and demonstrable harm sufficient to outweigh the identified benefits on its own
- 4.60 Consistency of the Neighbourhood Plan policies with the NPPF is however assessed below.

Sileby Neighbourhood Plan Policy G1: Limits to Development

- 4.61 Sileby Neighbourhood Plan Policy G1 reflects Saved Local Plan Policy ST/2. It states:

“Development proposals within the Neighbourhood Plan area will be supported on sites within the settlement boundary as shown in Figure 2 (below) where the proposal complies with the policies in this Neighbourhood Plan.

Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies. Appropriate development in the countryside includes:

- a) For the purposes of agriculture – including farm diversification and other land based rural businesses;*
- b) For the provision of affordable housing through a rural exception site, where local need has been identified;*
- c) For the provision of a formal recreation or sport use or for rural tourism that respects the character of the countryside” (Page 22, CD6.13).*

- 4.62 Policy G1 of the Sileby Neighbourhood Plan clearly relates to the supply of housing and as a consequence of the demonstrable lack of five year supply of housing is considered out-of-date as it is not considered to be consistent with the NPPF. As a result of this inconsistency, I consider that only **limited weight** can be afforded (Appendix 1).
- 4.63 The Officers Report confirms that the policy is out-of-date (Page 18, CD5.02), however considers that Neighbourhood Plan Policy G1 attracts ‘**moderate weight**’ (Page 20, CD5.02) (Appendix 1).

4.64 It is however agreed through the Planning SOCG that only **limited weight** can be attributed to the policy. (Appendix 1).

Sileby Neighbourhood Plan Policy G2: Design

4.65 Sileby Neighbourhood Plan Policy G2 is referred to in RfR1, but not considered by the Officer as one of the most important policies in the determination of the appeal application.

4.66 Neighbourhood Plan Policy G2 details 'design principles' to help maintain the unique feel of Sileby as a place. The policy states (**Page 26, CD6.13**):

"This policy will apply to all new commercial and residential developments, including one or more houses, extensions and replacement dwellings. The following criteria should be met:

- a) *New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area, and proposals should clearly show within a Design and Access Statement (where appropriate) how the general character, scale, mass, density, materials and layout of development are sympathetic to any neighbouring properties and the surrounding area. Development which would have a significant adverse effect on the street scene, or the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal;*
- b) *Design principles that apply to the Conservation Area should be applied where development is adjacent to the Conservation Area to help ensure a controlled transition between the Conservation Area and new development outside the Conservation Area*
- c) *Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context;*
- d) *Development proposals should aim to maintain and enhance biodiversity by preserving as far as possible existing trees, hedges and wildlife habitats. Where appropriate developments are encouraged to include measures to enhance biodiversity which may include:*
- e) *Providing roof and wall constructions that follow technical best practice recommendations for integral bird nest boxes and bat breeding and roosting sites;*
- f) *Providing hedges or fences with ground level gaps for property boundaries that maintain connectivity of habitat for hedgehogs;*
- g) *Ensuring that any intruder switched security lighting is not constantly switched on and that any other site or sports facility lighting meets the best practice guidelines in Bats and Lighting (ref LREC 2014);*

- h) *Development should ensure the appropriate provision for the storage of household waste and any recyclable materials;*
- i) *With the development of Hybrid and electric vehicles all properties should include infrastructure and the available power supply that will support the charging of electric vehicles. Where possible, this should be within the property boundary".*

4.67 As a design principles policy I consider it to be consistent with the NPPF and full weight can be afforded (Appendix 1). The Officer agrees with this position considers that the policy “generally accords” with the NPPF as the weight to the policy should not be reduced (Page 24, CD5.02) (Appendix 1). Whilst I agree with this position it should be noted that I consider that the proposed development meets the terms of this policy as set out below.

4.68 The dwellings to the north and west are undistinguished and architecturally reflective of the period they were built. The existing street scene is not considered to be of any specific local value and the delivery of new housing is not considered to have a negative impact on valued local vernacular. I consider the indicative layout demonstrate an appropriate scheme set against the existing character, density and urban grain of the settlement. Moreover, through design it is possible to improve the southern settlement edge of Sileby, through delivery of an outward looking, high quality development. The current settlement edge of Sileby, particularly to the east of Cossington Road is a negative feature of the settlement in this location, with the rear of existing housing and fencing currently defining this settlement edge. As such, it is considered the proposed development is in accordance with Policy G2 criterion a. In addition, a pre-commencement condition is included which requires details of the appearance, landscaping layout, circulate routes and scale of the development to be submitted and approved by the local planning authority.

4.69 The site is not within, nor will have any impact on, a Conservation Area (criterion b).

4.70 Whilst criterion C sets out that contemporary or innovative design will be encouraged, this is only wherein it makes a positive contribution to the character of the area and is compatible with surrounding historic context. Whilst not a matter for consideration at this time, the Design and Access Statement (Page 69, CD1.16) gives an example of the housing likely to be delivered on site. I consider these house types to be entirely appropriate having regard for the neighbouring development and the settlement character and identity of Sileby as a whole. Moreover, having regard for the opportunity to create a new outward looking,

landscape development, there will be a net improvement on the settlement boundary, which will better define Sileby.

- 4.71 As set out at with the Ecology and Biodiversity Note (**Appendix 6**), the design proposals will maintain and enhance biodiversity, with significant new planting providing significant environmental net gains (36.68% net gains). This is a significant improvement on existing, and thus I consider the proposals are in full accordance with criterion d.
- 4.72 Criterion e-i are considered to be specific detailed matters best explored through subsequent Reserved Matters applications and of negligible concern in respect of this outline application.
- 4.73 As such, I consider the proposed development represents a scheme in broad compliance with Neighbourhood Plan G2. As such, I do not consider any weight can be afforded to a conflict Policy G2.
- 4.74 The other policies of the development plan, which are of relevance are set out in **Appendix 2**.

Emerging Planning Policy

- 4.75 The Council is preparing a new local plan for Charnwood to cover the period 2021-37. A Scoping consultation took place in July 2016 followed by a second consultation in April 2018 focussed on the key issues and options. A Draft Plan Consultation was undertaken in November 2019 with the Pre-Submission Draft Plan published for consultation in July 2021 (Regulation 19). The Council submitted the Plan for Examination in December 2021 (**CD6.04 and CD6.05**) with an examination anticipated to take place later this year.
- 4.76 The emerging Local Plan plans for a strategic housing requirement of a minimum of 17,776 dwellings for the period 2021 – 2037; 1,111 dpa. This comprises the local housing need based on the standard methodology. Following a change in the City of Leicester’s housing need in December 2020, Leicestershire local authorities are working collaboratively to agree an apportionment of unmet need and the Charnwood Local Plan contains policy to this effect. The Leicester and Leicestershire Statement of Common Ground Relating to Housing and Employment Land Needs (March 2021) puts the unmet housing need at over 16,500 dwellings up to 2036. Emerging Local Plan Policy DS2 provides a mechanism for the Plan to be reviewed, and updated, once the Statement of Common Ground is agreed. It confirms that:

“Within 6 months of the agreement by all partners of the Statement of Common Ground for the apportionment of unmet housing and employment need, the Council will publish a review of this local plan”. (Page 32, CD6.04)

4.77 The Policy states that should a full or partial update be triggered by the review, an update to the Plan will commence within 12 months of the review, with the Plan submitted for Examination within 36 months of the date of the update commencing.

4.78 The Emerging Plan identifies Sileby as a Service Centre. Emerging Policy DS1 (Page 30, CD6.04) proposes the delivery of at least 2,747 dwellings across the Service Centres.

4.79 Emerging Policy DS3 (Page 33, CD6.04) makes provision for 345 new dwellings in Sileby across 6 sites, 3 of which are on greenfield land beyond the settlement boundary. The largest of these sites is an allocation at Land off Barnards Drive for 228 dwellings (Proposed Allocation Ref: HA53).

4.80 In relation to Areas of Local Separation the emerging Local Plan states at paragraph 8.20 (Page 182, CD6.04) that:

“In identifying our development strategy, we have carefully balanced the need for development against a range of sustainability indicators, and the scope to mitigate adverse effects. This process has resulted in housing allocations in areas previously identified as Areas of Local Separation, but these allocations will require careful planning through their design and layout to minimise the impact on the physical and perceptual separation between the built areas of settlements.”

4.81 Clearly the emerging policy acknowledges that impact can be minimised through a scheme’s design and layout. It is a more nuanced approach than the adopted plan policy therefore.

4.82 The preceding paragraph, 8.19 (Page 182, CD6.04) discusses a review of how existing Areas of Local Separation are working and whether there is a need for new ones and goes on to list the ALS areas proposed. ALS4 relates to Sileby/Cossington, and whilst no supporting text is provided in relation to the ALS, the supporting Proposals Map (CD6.05) proposes an extension to the existing Sileby/Cossington ALS, to the west of Cossington Road, which is discussed further in Mr Cooks Proof of Evidence.

4.83 The Draft Local Plan has been submitted the Secretary of State and it awaits full scrutiny through the examination process. It is therefore agreed between the parties that it can only be afforded limited weight as a material consideration in this appeal (**Paragraph 50 of the Planning SoCG**).

Other Material Considerations

4.84 I also refer to the following evidence base and policy documents in my proof of evidence:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (PPG)
- Charnwood Settlement Hierarchy Assessment October 2020 Update (**CD6.11**)
- Housing Supplementary Planning Document (adopted May 2017 – updated December 2017) (**CD6.18**)
- Development Strategy and Site Selection Topic Paper (**CD6.22**)
- Charnwood Housing Need Assessment (September 2020) (**CD6.30**)

4.85 I refer to the following appeal and application decisions in Charnwood Borough:

- P/20/1605/2 - Officers Report - Land at Melton Road, Queniborough - Outline application for erection of up to 200 dwellings, all matters reserved except access (**CD7.06**)
- P/12/2005/2 and P/12/2456/2 - APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929 - Secretary of State's (SoS) decision - Land off Mountsorrel Lane, Rothley (**CD7.07**)
- P/20/2383/2 - Officers Report - Land at Melton Road, East Goscote - Outline application for erection of up to 270 dwellings, all matters reserved except access (**CD7.08**)

5. The Inspectors Main Issue a)

5.1 In this section of my proof of evidence, I address the Inspector's main issues with reference to Mr Cook's conclusions and within this context assess any conflict with the development plan policies and weight to be given to any conflict with those policies.

a) Whether the proposed development would be in a suitable location having regard to the development plan and national policies

5.2 In responding to the Inspectors Main Issue a) I have broken the question down into two key topics. Firstly, whether spatially, Sileby is an appropriate location for residential growth and secondly, whether there are any site-specific reasons which would render the site unsuitable for development.

Sileby as an appropriate location for residential growth

5.3 It is common ground between both parties that Sileby represents one of the more sustainable settlements in Charnwood to provide for additional growth. It is agreed that Sileby is identified as one of Charnwood's seven service centres in the adopted Core Strategy (**Paragraph 37, Planning SOCG**). To achieve the Core Strategy's aim of 'urban concentration and regeneration' development was focussed in the Principal Urban Area, Loughborough and Shepshed and then the Service Centres. Service Centres are acknowledged to be sustainable settlements, having been designated due to having a population of over 3,000 people and containing a range of key services and facilities.

5.4 As part of the emerging Local Plan, the Council have undertaken a settlement analysis, published within evidence base document Charnwood Settlement Hierarchy Assessment October 2020 Update (**CD6.11**). Sileby remains designated as a Service Centre. Figure 10 (page 24) contains an audit table which assesses the relative sustainability of all settlements within Charnwood by availability of key services, facilities and accessibility. The assessment considers food shops, primary schools, access to employment, secondary school access, higher order services access, high speed broadband, recreation, leisure and community facilities, doctors' surgery, post office, pharmacy and pre-school provision. Whilst not an exhaustive list of possible services and facilities, it is agreed that the provision of such services is an indicator of a high-level of sustainability. It is telling that when assessed against these metrics, Sileby scores 11 points, the same as Loughborough, Shepshed, Thurmaston and Birstall (the urban areas).

5.5 In relation to food shops, Sileby has a Tesco Express and Costcutter. Other shops/general facilities within Sileby, but not accounted for within the Settlement Hierarchy Assessment include:

- 3 x general convenience stores (in addition to the Tesco Express and Costcutter),
- hardware store
- butchers
- florist
- 4 x hair & beauty/barbers
- nail shop
- 5 x café/restaurants
- 6 x takeaways
- dentist
- osteopath
- bridal store
- estate agents
- accountants
- solicitors
- carpet store
- tailors
- funeral directors
- gym
- 2 x car garages/MOT test centre
- veterinary surgery

5.6 There are two primary schools (Redlands Community Primary School and Highgate Community Primary School) and a small specialist College (Homefield College) that supports individuals with learning disabilities. In addition, Cossington C of E Primary School is a short distance from the site.

5.7 Whilst there are no secondary schools in Sileby there are a number of secondary schools located within the area. Ratcliffe College is 5.0km (3.1 miles), Humphrey Perkins in Barrow upon Soar is 5.5km (3.4 miles), Loughborough Grammar School, Amherst (former Our Lady's Convent School) and High School are all 9.6km (6.0 miles). Rawlins Community College situated in Quorn is 7.9km (4.9 miles). Leicestershire

County Council provides free school transport to secondary age children who live more than 3 miles walking distance to their nearest school.

- 5.8 In respect of pre-school provision, Sileby has two nurseries, Lime Tree Day Nursery (King Street) and Lime Tree Day Nursery (Cossington Road).
- 5.9 In terms of access to employment and higher order services, Sileby is acknowledged to benefit from good bus services both during the day as well as the evening. The 2 service runs between Loughborough and Leicester, providing access to Sileby, Quorn, Barrow on Soar and Birstall. Services are hourly or better in both directions, with services starting from 6.30am towards both Loughborough and Leicester, and services running until 10:30pm towards Leicester and 11:30pm towards Loughborough, Monday-Saturday. Sunday services remain hourly, commencing at 9:30am towards Leicester and 10:30am towards Loughborough, with the last service at 9:30pm towards Leicester and 10:30pm towards Loughborough. This is considered to be suitably regular to allow reasonable access to Leicester and Loughborough for daily commuting and education, and wider social and health appointments.
- 5.10 Sileby further benefits from a railway station on the Midlands Main Line. Trains operate throughout the day to destinations including Leicester, Nottingham and Lincoln catering for peak commuter travel, travel for leisure activities and other associated journeys. On weekdays there are trains to Leicester, Nottingham and Lincoln every hour during the morning peak period and one train every two hours in the inter-peak and evening peak hours. Trains to Leicester have an approximate 15-minute duration, trains to Nottingham 30-minute duration and trains to Lincoln 1-hour 30-minute duration.
- 5.11 Superfast broadband is available in Sileby.
- 5.12 In terms of recreation, leisure and community facilities, Sileby has a vast array of these including:
- Sileby Community Centre – with activities taking place such as play groups, socatots, Kickboxing, Taekwondo, drawing festivals, model railway shows, language learning classes, photographic society, Zumba, badminton and various other events.
 - 3 x public houses (The White Swan, Free Trade Inn, The Horse and Trumpet)
 - Working Men’s Club

- 4 x Place of Worship (St Mary's Church, Sileby Methodist Church, Sileby Baptist Church, St Gregory's Church)
- Sileby Library
- Scout & Guides Group
- Formal Sports Provision includes Sileby Cricket Ground/Sileby Town Cricket Club, Sileby Town Football Club, Sileby Bowls Club, Sileby Tennis Club, Memorial Park.
- 2 allotments (Barrow Road and Cemetery Road)

5.13 There are two doctor's surgeries: The Banks Surgery and Highgate Medical Centre. There is also a dentist and an optician. There are also two pharmacies (Riverside Pharmacy and Boots the Pharmacy).

5.14 Sileby Post Office is open 6 days a week.

5.15 The above has demonstrated that Sileby has far more than the 'minimum' services and facilities required in order to designate a settlement as Service Centre. I therefore consider Sileby is a demonstrably sustainable settlement, suitable and capable for further residential growth. Relevant policies are discussed in turn below, with any conflict and the weight to be afforded set out in **Table 1, Appendix 1**.

Core Strategy Policy CS1

5.16 RFR1 cites conflict with Core Strategy Policy CS1.

5.17 Sileby is identified in the Core Strategy (**CD6.03**) as Service Centre. Paragraph 4.43 of the Core Strategy confirms that Service Centres are designated as they benefit from a certain level of services and facilities, as set out at paragraph 4.10 of this Proof.

5.18 Paragraph 4.44 of the Core Strategy (**CD6.03**) explains that the role of the service centres extends from just providing for those who live within the settlement, with Service Centres also providing an important role in serving the residents of the wider, rural hinterland. After the two main urban areas of Loughborough and Shepshed, the Service Centres are the highest tier of settlement, followed by Other Settlements and Small Villages and Hamlets. Other Settlements and Small Villages and Hamlets rely on Service Centres, such as Sileby, for the provision of services and facilities.

5.19 It is clear therefore that settlements, such as Sileby, are key sustainable locations and play an important role across the Borough.

5.20 The Core Strategy provides for 3,000 dwellings to be delivered in Service Centres over the Plan period. The Officer's Report (**Page 19, CD5.02**) explains that this spatial target has been met, with 4,460 homes having been completed or committed with service centres; a reported increase of 45% beyond the quantum of housing the Core Strategy seeks to deliver. Of these, the Officer reports that 1,060 have been committed within Sileby, approximately 23% of the overall delivery within the Service Centres. The Officer considers that this is "disproportionate". The Officer goes on to state:

"To provide a further 170 homes adjoining Sileby would add to the already excessive level of housing commitments in Service Centres, when compared with levels the Core Strategy plans for, and to the disproportionate level of housing provision within Sileby". This conflict with CS1 weighs against the application however it must be noted that due to the current shortfall in the 5 year supply the benefit arising from the delivery of housing, including affordable housing, attracts significant weight in the planning balance". (Page 20, CD5.02)

5.21 I consider that the overall housing target which Policy CS1 seeks to deliver is clearly identified as a minimum figure and therefore, it follows that the housing figures for each of the settlement tiers must also be considered as minimums. There is nothing within the policy to place an upper limit on growth in a single settlement or tier. That said I do not contend that the settlement can accommodate any level of growth, but rather that it has the capacity to accommodate the appeal proposals because Sileby is acknowledged to be a one of the Council's most sustainable settlements, with a substantial provision in services and facilities, and also demonstrated by the emerging Local Plan, which makes significant allocations within the settlement.

5.22 Furthermore, it is agreed that Core Strategy Policy CS1 is out of date, firstly because the Council cannot demonstrate a five-year housing land supply and secondly because it seeks to support a level of growth based on a housing requirement, which is out of date. The housing requirement set out in Core Strategy Policy CS1 reflects growth levels derived from the Leicester and Leicestershire Strategic Housing Market Assessment (2014) (SHMA) (**CD6.19**), which seeks the delivery of 820 dpa, some 291 dpa short of the Borough's Local Housing Need derived from the Standard Methodology of 1,111 dwellings per annum. It is therefore inevitable that the housing targets across the Borough will need to be increased and settlements, such as Sileby, will need to deliver more housing.

- 5.23 Indeed, the suitability of Sileby for new housing growth and its ability to accommodate further growth is acknowledged in the emerging Local Plan (CD6.04). Accepting that the emerging Local Plan carries limited weight, the Plan proposes to allocate a further 1,819 dwellings in the Service Centres, of which, an additional 345 are proposed at Sileby. It is clear therefore that the Council accept that Sileby is a suitable location for additional homes.
- 5.24 Three of the six proposed allocations at Sileby, contained in the Emerging Local Plan, are on greenfield land, beyond the current limits to development. It is noted that the Borough Council's Statement of Case states that the appeal site *"was not identified as a proposed allocation in the emerging Local Plan as it was considered that granting planning permission would undermine the development strategy and planned infrastructure"*. The Council's Development Strategy and Site Selection Topic Paper (CD6.22) expands on this further and sets out that appeal site was not selected as a proposed allocation solely due to impacts on the Area of Local Separation, particularly when considered with the allocation of land at Cossington (HA59 CD6.03 and CD6.04 (Proposals Map)) which was preferred due to its ability to provide land for a school extension.
- 5.25 The delivery of the appeal application would not undermine the emerging development strategy, as the level of growth proposed through the scheme is commensurate with Sileby's spatial role. In spatial terms, the appeal site is locationally far preferable to the Council's emerging allocations in Sileby in that it is by far the closest site to a Primary School.
- 5.26 Sileby is demonstrably a sustainable and suitable location for residential growth. Core Strategy Policy CS1 provides for a minimum level of housing at Service Centres, not a maximum. Further, the emerging Local Plan Local Plan confirms the suitability of Sileby for new housing through its intention to allocate more housing land. Policy CS1 is out of date, and can be given only limited weight, but notwithstanding this, there is no conflict with the policy. There is therefore, no spatial justification why growth adjacent to Sileby should be precluded, particularly in the context of the current housing land supply shortfall within the Borough.

Saved Local Plan Policy ST/2

- 5.27 Saved Local Plan Policy ST/2 is out of date as it relates to the supply of housing and the Council is unable to identify a five-year housing land supply. The 'limits to development' identified through the Local Plan were prepared to reflect a level of housing need derived from the replacement Structure Plan for

Leicestershire (1991 – 2006), adopted in January 1994; some 556 dpa, almost half of the current annual housing need for the Borough of 1,111 dpa.

- 5.28 The Council has regularly applied Saved Local Plan Policy ST/2 and allowed a breach of the policy by approving residential schemes beyond the limits to development and intend on allocating a large number of sites beyond the current limits to development in the emerging Local Plan.
- 5.29 It is agreed at Paragraph 43 of the Planning SoCG that limited weight to a conflict can be given to Saved Local Plan Policy ST/2.

Sileby Neighbourhood Plan Policy G1

- 5.30 The Sileby Neighbourhood Plan housing requirements are derived from the Leicester and Leicestershire Housing and Economic Development Needs Assessment 2017 (the 2017 HEDNA **(CD6.20)**). The Neighbourhood Plan is over 2 years old and has no unreserved housing allocations to meet an identified housing need, thus the provisions of Paragraph 14 of the NPPF are not applicable. It is agreed that any conflict with the Neighbourhood Plan cannot be considered significant and demonstrable harm to outweigh the identified benefits on its own. It is agreed at Paragraph 43 of the Planning SoCG that limited weight can be attributed to the policy.

Suitability of Appeal Site

- 5.31 Matters relating to the ALS and the character and appearance of the area in relation to landscape are considered in response to the Inspectors Main Issue b).
- 5.32 The site is adjacent and contiguous with Sileby with regard to two sides of the site (north and west) and therefore is as close as possible in terms of proximity to the settlement itself and the services therein.
- 5.33 The sustainability of Sileby, including the vast array of services and amenities on offer making it one of the more sustainable settlements within Charnwood, is discussed at paragraphs 5.3-5.15 of this Proof. Many of these services are located within 1km of the site, including the Tesco Express, Community Centre and Sileby Library, at the centre of the village, and with the majority within 1.5km, including Redlands Community Primary School, The Banks Surgery, Post Office and the Memorial Park, meaning they are highly accessible for pedestrians and cyclists.

- 5.34 The site is adjacent to a main highway Cossington Road, and that the site frontage is adjacent to a pedestrian path as a roadside pavement providing a continuous, clear, safe and direct access to the heart of the village. Furthermore, this pedestrian path benefits from street lighting, again providing safe walking environment in hours of darkness.
- 5.35 Furthermore, Cossington C of E Primary School is a short distance from the site (450m), again accessible by continuous footway provision from the site. Accordingly, the appeal proposal is well located to maximise opportunities for walking and cycling to and from key amenities within the immediate area.
- 5.36 In addition, the site is approximately 100m from the nearest bus stop on Cossington Road. The stop is served by the No.2 service which operates a route between Loughborough and Leicester via Quorn, Barrow Upon Soar, Sileby and Cossington. This service operates Monday to Saturday with a frequency of one bus every 30 minutes and provides access to a variety of employment opportunities and larger retail facilities. Public transport is therefore a genuine alternative to the private car and should assist in encouraging a modal shift away from the private car.
- 5.37 The site is also within 750m of Sileby Railway Station, which provides access to the wider region via the Midland Main Line. This includes services to Leicester, Nottingham and Lincoln. The Station is clearly located within walking or cycling distance from the site and means that travel by train provides a genuine alternative to the private car and should assist in encouraging modal shift away from the private car.
- 5.38 In respect of other site-specific matters, it is important to note that, with the exception of CBC's Landscape Officer, no objection was received to the appeal proposal from any technical statutory consultee as confirmed through paragraphs 53 to 88 of the Planning SoCG. No case was put forward in the Officers Report that the appeal application should be refused on issues relating to impacts on highways, flood risk, drainage, heritage, ecology, noise, vibration or design.
- 5.39 Whilst there were no technical objections to the appeal application, nor detailed within RFR1, I am very mindful of concerns raised by third parties. Responses to third party concerns in respect of education/healthcare, highways, flood risk and drainage, and ecology and biodiversity are included as appendices 3, 4, 5 and 6 respectively, and summarised below.

Education

- 5.40 The Education and Healthcare Note (**Appendix 3**) provided by EFM reviews and responds to the LCC education consultation responses (**CD4.12-4.14 and CD4.28**) and considers the third-party representations which had raised concerns regarding capacity.
- 5.41 No objections are raised by the Local Education Authority, subject to the provision of a number of contributions. The contributions sought are not yet agreed as a number of clarifications and questions have been put to the Local Education Authority and are awaiting a response.
- 5.42 As set out at paragraph 5.6-5.8 above, there are two primary schools within Sileby, as well as the closer Cossington C of E Primary School is a short distance from the site, as well as two pre-school nurseries. A variety of secondary school options, and post-16 provision are available within an acceptable distance. As a consequence, there are no policy conflicts arising.

Healthcare

- 5.43 The Education and Healthcare Note (**Appendix 3**) provided by EFM reviews and responds to the NHS West Leicestershire CCG consultation response (**CD4.23**) and considers the third-party representations which had raised concerns regarding capacity.
- 5.44 As set out at paragraph 5.13 of this Proof, there are two doctor's surgeries within Sileby: The Banks Surgery and Highgate Medical Centre, 1.3km and 1.8km from the site respectively. This is considered to be within acceptable distance of the site.
- 5.45 Further, the Education and Healthcare Note (**Appendix 3**) sets out that both facilities are accepting patients. If there is no demonstrable deficit that would be made worse by new development, as in this case, a contribution is not necessary to make the development acceptable in planning terms. As such there are no policy conflicts arising.

Highways Note in response to third party comments

5.46 The Highways Note (**Appendix 4**) provided by Tetra Tech sets out that they have reviewed the transport planning documentation submitted with the outline planning application and considers the third-party representations which had raised the following concerns:

1. Traffic increases due to the proposed development and impacts on Sileby which is already busy.
2. Vehicle speeds on Cossington Road.
3. General road safety concerns for all road users.
4. The accessibility of the site by sustainable modes and the concern that future residents will drive to use facilities in Sileby, such as the primary school and shops. Related to this, the lack of available parking in Sileby village.
5. The suitability of the proposed site access arrangement.
6. The effect of road closures due to flooding.

5.47 The Note sets out a detailed response addressing each concern. None of the issues raised are considered to change the assessment or conclusions of the appeal application in respect of highways and access, and Tetra Tech stand by the findings of their submitted reports. There are no policy conflicts arising.

Flood Risk/Drainage Note in response to third party comments

5.48 The Flood Risk/Drainage Note (**Appendix 5**) provided by RACE sets out that they have reviewed the flood risk and drainage planning documentation submitted with the outline planning application and considers the third-party representations which had raised the following concerns:

- a. The existing site floods and extent of the flooding
- b. The Development will increase pressure on an already overflowing drainage system
- c. Increased development, means increased run-off, meaning increased Flood Risk
- d. Loss of natural drainage field/ land to absorb rainfall due to being greenfield. Also, there is no consideration for topography of site and where surface water run-off currently flows
- e. No consideration for future strength or frequency of heavy rainfall
- f. Concerns about Future Maintenance/ management of attenuation pond and viability of SUDS features to provide storage in the long-term.
- g. Suitable planning conditions
- h. Foul outfall concerns.

5.49 The Note sets out a detailed response addressing each concern. None of the issues raised are considered to change the assessment or conclusions of the appeal application in respect of flood risk and drainage, and RACE stand by the findings of their submitted reports. There are no policy conflicts arising.

Ecology Note and Biodiversity in response to third party comments

5.50 The Ecology and Biodiversity Note (**Appendix 6**) provided by Ramm Sanderson sets out that they have reviewed the ecological documentation submitted with the outline planning application and considers the third-party representations which had raised the following concerns:

- 1 Loss of habitat
- 2 Loss of hedges
- 3 Effect on wintering wildfowl
- 4 Effects on birds of prey
- 5 Effects on wildlife – general decline
- 6 A Strategic approach as per Biodiversity 2020.

5.51 The Note sets out a detailed response addressing each concern. None of the issues raised are considered to change the assessment or conclusions of the appeal application in respect of ecology, and Ramm Sanderson stand by the findings of their submitted reports. There are no policy conflicts arising.

6. The Inspectors Main Issue b)

b) The effect of the proposed development on the character and appearance of the area in relation to landscape and the Area of Local Separation

6.1 Mr Cook's Proof addresses the effect of the proposed development on the character and appearance of the area in relation to landscape and the Area of Local Separation. I draw on his conclusions and within this context assess the conflict with the development plan policies and weight to be given to any conflict with those policies.

Effect on Landscape Elements

6.2 In terms of the effect on landscape elements (character of the site), Mr Cook explains that the appeal site comprises a number of landscape elements including topography, land use, vegetation, trees and woodlands, hedgerows. The majority of these individual elements would be retained and enhanced which would result in an overall net major beneficial effect with regard to landscape elements within the site. The scheme would inevitably result in the loss of some arable land. In overall terms, there would be a substantial (major) net beneficial effect with regard to landscape elements within the site itself. There would be no change to landscape elements beyond the site.

6.3 Mr Cook explains that whilst the site is characterised by the former field boundaries, it is significantly influenced visually by the adjacent dwellings. The site is framed to the west by Cossington Road and existing residential development fronting this highway and is currently significantly affected by the substantial urbanising influences of this adjacent development. The site in terms of its character would appear as an urban fringe environment.

Effect on Landscape Character

6.4 In relation to the effect on landscape character, Mr Cook considers that the site and the surrounding areas of Sibleby are located within the Trent Valley NCA and Soar Valley locally, adding that all of the key characteristics that define the local landscape character beyond the site would remain physically unaffected and with regard to experiential aspects, there would be no material change to the landscape character of the area beyond the site with the proposed scheme in place. I endorse and adopt Mr Cook's conclusions.

- 6.5 Mr Cook goes on to explain that the northern part of the site is proposed to accommodate the residential neighbourhoods, which as a high-quality scheme would reflect the local vernacular architecture which would be in keeping with other residential areas associated with Sileby. Mr Cook adds that whilst the proposal would result in a change to the character of the site, an inevitable consequence of accommodating housing on a greenfield site and thus resulting in a significant magnitude of change (major), but in terms of its nature of effect this would be neutral rather than adverse, given it would be in keeping in terms of its character and appearance.
- 6.6 Turning to the balance of the site, Mr Cook sets out that this would form substantial green infrastructure, which would bring about a substantial major change in character terms from arable field land to a whole series of fields including the creation of new enclosures as part of a historic landscape restoration scheme. The whole green infrastructure would be more in keeping with the local rural farmland with its new wildflower meadows and pastoral fields, together with new woodlands, water features and improved recreational opportunities. Such change to the character of the site would bring about a high magnitude of change and enhancement which would be beneficial in nature in landscape character terms. This reflects the sheer volume of planting and landscape enhancement which in my view is quite exceptional given the limited scale of the proposed housing. I endorse and adopt Mr Cook's conclusions.

Effect on Visual Amenity

- 6.7 Mr Cook's evidence considers how the proposed scheme would have a bearing upon general visual amenity. He explains that the potential to observe the scheme in terms of the visual envelope would be mainly restricted to the immediate environs of the site and wholly contained within the local landscape. As such, the proposed housing would have a very limited visual envelope. Where observed, the proposed scheme would be generally heavily framed and screened by tree cover such that it would be difficult to distinguish it from Sileby.
- 6.8 Mr Cook adds that it would also always be seen in the context of adjacent development, meaning that the proposed scheme would not visually extend the visual envelope of Sileby as it relates to the wider landscape, but rather it would fall within the existing visual envelope associated with the wider environs of Sileby. As a result, the magnitude in terms of the degree of effect would be quite limited and local to the environs of Sileby. The scheme would also not impinge in visual terms upon the existing visual relationship between the Sileby and Cossington settlement further to the south, an aspect that the Council seeks to protect.

- 6.9 Mr Cook also considers that given the high quality of the proposal reflecting the vernacular, the proposed housing would be in keeping in terms of its appearance and therefore, the housing scheme would be neutral rather than adverse in terms of nature of effect. Sight of the proposed scheme would not cause harm to the visual amenity of the area. The green infrastructure would be beneficial in terms of the nature of effect. Together with both elements at the site level, there would be a major degree of effect whilst locally within the Valley in overall terms there would be a slight degree of effect in terms of this valley landscape.
- 6.10 The proposal would result in some physical loss of grassland, but in character terms Mr Cook considers that the site does not generally reflect the characteristics of the local landscape. The proposals would result in a change to the landscape at a very localised site level and would have a limited effect on the landscape character of the Valley and would not cause material. Once the green infrastructure is established and has the opportunity to thrive, the proposals would have a more positive effect physically with regard to the site and as appreciated visually within the local environs. The proposed development would have some localised landscape visual effects, but these would not result in unacceptable impacts on the landscape context of Sileby and Cossington. I endorse and adopt Mr Cook's conclusions.

Area of Landscape Separation

- 6.11 Mr Cook's evidence considers loss of Area of Local Separation, explaining that the ALS to the west of Cossington Road/Main Street, plays a far more significant strong role in the perception of the separation of the settlements, than the appeal site does. He considers that whilst the proposal does extend and encroach into the ALS, what needs to be borne in mind is how the various parcels on land within the ALS are actually performing in the role to maintain separation between the two settlements. In considering this point Mr Cook notes that the area which would accommodate the proposed housing only has a limited role in realising the function of this policy. As a result, whilst there would be some physical loss, the actual and perceived sense of separation would not materially change with the proposed scheme in place.
- 6.12 Mr Cook adds that the actual physical distance in terms of the gap between Sileby and Cossington is defined by the southernmost points of Sileby and the northernmost point of Cossington. A significant proportion of the appeal site is proposed as open space, to include the restoration of historic hedgerows and smaller fields as such the proposed development would reduce the ALS by approximately 170 metres however this will not reduce the shortest physical distance between the settlements.

- 6.13 The actual gap of open undeveloped land at its narrowest point is formed by the southernmost point of Sileby and the northernmost point of Cossington and is most readily appreciated by travelling along the Cossington Road, either as a pedestrian or motorist. Mr Cook considers that with the proposed scheme in place, there would be no reduction in this narrowest and potentially most sensitive actual gap. The proposal would not, even with encroaching into the ALS, reduce the actual distance between the two settlements identified by open undeveloped land.
- 6.14 Mr Cook notes that the Reason for Refusal states that the ALS would reduce significantly, however the gap would remain unchanged and as such, there would be no narrowing of the gap in physical terms.
- 6.15 In terms of a perceived reduction of the gap Mr Cook explains that the two means by which members of the public can appreciate and have a perception of the gap is by passing through the area and appreciating the area from locations that are publicly accessible, which are generally public highways, rights of way and other publicly accessible areas such as parks for instance. Having examined the gap from the local public highways and rights of way, Mr Cook explains that the area proposed to accommodate the appeal scheme, performs a limited role in maintaining the perceived sense of separation between Sileby and Cossington and as such, would not materially change the perceived sense of separation between the two settlements.
- 6.16 Mr Cook considers that there is an opportunity to redraw the ALS designation to include additional land, as proposed in the emerging Local Plan which extends the ALS to the west. Land both within the designation as well as land outside the designation in this western area both fulfil a strong role in maintaining separation. Extending the designation westward to the boundary of the field and the start of the woodland would be appropriate. Furthermore the designation could be extended further southward of the watercourse to the east of Cossington Road to incorporate the open space of the approved Clarendon scheme on land to the east of Cossington and extent the designation as far south to the boundary of the Clarendon housing area (has a resolution to grant subject to the signing of a S106 (P/20/2393/2 – CD7.01) and is a proposed allocation in the emerging Local Plan (HA59 CD6.04 and CD6.05)). Such a revised approach would be more logical in further reinforcing the physical and perceived separation between the two settlements. I endorse and adopt Mr Cook’s conclusions.

Significant harmful impact to the character of the countryside

- 6.17 Mr Cook considers that the proposed residential scheme would change the character of the site as part of an arable field to a residential neighbourhood, but that what is proposed in this regard would be in

keeping in character and consistent with other nearby residential neighbourhoods of Cossington. Development of the greenfield site would involve the loss of a limited area which is currently countryside. The balance and remaining area of the site currently forms the remainder of one large arable field, has no particular features of note and is an area of unremarkable landscape in terms of this particular parcel of land. An integral part of the scheme is to provide a substantial area of naturalistic parkland as green infrastructure. This area would be managed as a series of smaller fields defined by reinstated hedgerows that historically previously existed and had been removed previously and that the fields would be managed as wildflower meadows punctuated with standard trees within the fields themselves to create a rural parkland. These are all the characteristics of an attractive rural parkland and would reflect many of the characteristics that define the character of the countryside locally. Mr Cook considers that this change to the character of the wider landholding to be beneficial in character terms with the proposed dwellings being neutral in terms of nature of effect rather than adverse. Accordingly, Mr Cook considers that there would be no significant harmful impact on the character of the countryside, and I endorse and adopt these conclusions.

Significant harmful impact to the separate identities of the villages

- 6.18 In terms of separate identities of the villages, Mr Cook explains that it is the character of the villages that defines these.
- 6.19 Mr Cook notes that Cossington forms a small village that is loose in terms of its density and arrangement, with the northern part hosting a mix of residential properties which are mainly detached and range between single storey bungalows to two storey properties, which face onto Cossington Road, but are set back from the highway at depth within generous curtilages. He adds that the boundaries of which are heavily defined by vegetation, hedgerows, trees and shrubs rather than built form. The Cossington Road itself is flanked on either side by pedestrian pavements whilst these and the road itself are lit by lighting columns. These characteristics that define the northern part of Cossington would remain unchanged with the proposed scheme in place.
- 6.20 The southern part of Sileby has a more urban character in general. Whilst there are some single storey bungalows and dormer bungalows, the majority of the residential properties are two storeys, a combination of detached and semi-detached properties which face the local residential roads. The Cossington Road in particular in Sileby as a street scene is wider as a result of wider pavements on either side of the road combined with grass verges separating the pavement from the highway in places. The

density of the residential properties associated with these street scenes is higher than that of Cossington. These residential areas and street scenes are typically urban and suburban in character. Mr Cook considers that the proposed scheme would be consistent with these defining characteristics and consequently would not change the character that defines the separate identity of Sibleby. The physical distance that separates the two villages would continue to remain in place such that both settlements would continue to be framed within the context of a rural landscape. As a result, Mr Cook considers there would be no significant harmful impact to the separate identities of the villages. I endorse and adopt these conclusions.

Prevent the coalescence of merging of villages

- 6.21 Mr Cook notes that the current urban countryside separates Sibleby from Cossington and whilst the physical separation between the two villages will be slightly reduced with the introduction of the proposed scheme, it would not materially change the perceived or actual gap between the two villages. The proposal would not bring about any physical coalescence of the villages. I endorse and adopt these conclusions.

Conflict with the development plan and the weight to be given to any conflict with those policies

- 6.22 The development plan policies of relevance to Areas of Local Separation include Core Strategy Policy CS11 and Saved Local Plan policies CT/1 and CT/4. Any conflict and weight to be afforded to these policies is set out in **Table 1, Appendix 1**.

Core Strategy Policy CS11

- 6.23 For the reasons set out at paragraphs 4.32-4.45 of my Proof, I consider that Core Strategy Policy CS11 should be given limited weight.
- 6.24 Policy CS11 allows for a judgement to be made about whether *“new development clearly maintains the separation between the built-up areas of these settlements”*. This judgement is not one that can simply be made by looking at a plan; it is more nuanced requiring both qualitative and quantitative factors to be considered.
- 6.25 Mr Cook's evidence concludes that the proposed development would maintain and respect the separation between Sibleby and Cossington, with land within the site forming strategic open space as grassland and

meadows with proposed woodlands which upon establishment would further reinforce a sense of physical and visual separation with Cossington to the south.

- 6.26 Mr Cook’s evidence concludes that the physical separate identity of Sibley and Cossington would continue to remain and prevail with the scheme in place, as the development would not cause any actual coalescence. This is in accordance with Policy CS11.
- 6.27 Notwithstanding conformity with the Policy CS11, it is noted that the Council has previously recommended approval, consented or identified land for allocation within Areas of Local Separation in cases where a conflict with Policy CS11 was considered. In considering an outline planning application for 200 dwellings at Land at Melton Road, Queniborough (P/20/1605/2), the Officers Report (CD7.06) states:

“Whilst the development would be within the Area of Separation, the policy does not preclude the principle of all development as the wording recognises that some development may be acceptable if it clearly maintains separation. Consideration of the proposals therefore needs to be based on whether the proposed development, including the indicative layout, would fail to protect and maintain the area of separation and, if it does, whether this constitutes a significant and adverse impact in terms of the NPPF paragraph 11 d)’s ‘tilted balance’. (Page A16, CD7.06)

The weight given to the impact on the landscape and area of separation is to be considered in the planning balance of NPPF paragraph 11 d) as to whether it is significant and adverse such that the harm outweighs the benefits of providing much needed housing in a sustainable location. It is officer’s opinion that the impact of the development on the appearance of the countryside and the purposes of the area of separation can be mitigated through substantial landscaping such that the harm would not be significant and demonstrable in its own right. Nevertheless, the proposals would have a degree of harm which is to be considered in the overall balance”. (Page A16, CD7.06)

- 6.28 In undertaking the balance, the Officer concluded that:

“With its location in the countryside and a designated area of separation, the proposals would be contrary to the Core Strategy policies CS11 and saved local plan policies CT/1 and CT/4 as well as emerging neighbourhood plan policy Q6 however this harm is not considered to be significantly adverse to justify refusal under the provisions of NPPF 11 d).” (Page A16, CD7.06)

6.29 As set out at paragraph 4.33 of my Proof the Melton Road, Queniborough application was considered in the same context as the appeal application. Accordingly, we expect the Council to apply consistency in its assessment of applications. Whilst Mr Cook and I consider there to be no conflict with Policy CS11, even in the Council's scenario that harm arose as a result of the appeal application, this limited harm, when the policy is given limited weight, is not considered to be significantly adverse to justify refusal under the provisions of Paragraph 11d of the NPPF.

6.30 The Queniborough scheme was refused against the Officers recommendation to approve in March 2021. The site, located wholly within the ALS, has subsequently been identified as a proposed allocation (Ref: HA64) for 100 dwellings in the emerging Charnwood Local Plan (CD6.04 and CD6.05).

6.31 It should also be noted that the following proposed allocations are included emerging Local Plan on sites falling within ALS's:

Allocations Reflecting Consented sites within the ALS

- HA4 Queniborough Lodge, Syston – 132 dwellings

Proposed new Allocations

- HA64 Land at Threeways Farm, Queniborough – 100 dwellings
- HA65 Land off Melton Road, Queniborough – 55 dwellings

6.32 In considering a further application for 70 dwellings, on Land South of Farmers Way/Brookfield Road, Rothley (P20/2140/2) (Officer's Report - CD7.02), Officer's recommended approval of the scheme which sits wholly within an Area of Local Separation as designated within the Rothley Neighbourhood Plan, made in May 2021, and within a proposed Area of Local Separation in the emerging Local Plan. In considering the application, the Officer's Report states:

"The proposal would result in the loss of a small area of the ALS and this conflicts with policy R05 of the Neighbourhood Plan. However, when assessing the particular location of the proposed built forms, it is not considered that the level of actual visual or perceptible harm will be significant.... The level of visual harm therefore is limited and it is not considered that the proposal would undermine the function of the ALS as defined by Policy R05 of the Neighbourhood Plan."

"..the proposal would be contrary to policies CS11 and R05, however the level of landscape harm associated with this conflict is moderate. This weighs against the development and is considered further in the planning balance below." (Page 16, CD7.02)

6.33 Despite the above, the 'Conclusion and Planning Balance' section of the Officer's Report (Page 23, CD7.02) does not reference the ALS or any harm as a result of being located within the ALS. There is no reference to Policy R05 of the Neighbourhood Plan or Policy CS11.

6.34 Further, in considering an application for 270 dwellings, on Land off Melton Road, East Goscote, (P/20/2383/2) (Officer's Report CD7.08), where the proposed open space was wholly within the ALS, Officers stated:

"It is concluded that the overall long-term impact on the landscape character of The Wreake Valley would not be so significant as to change the overall character of the area or fail to comply with the guidelines of the landscape character appraisal. Furthermore, having regard for the distribution of the built and open areas shown on the submitted development framework plan, it is not considered that the proposal would significantly reduce the perceptible gap between East Goscote and Rearsby. The proposal is therefore concluded to comply with policies CS11 and CT/4". (Page 16, CD7.08)

6.35 The above acceptance of open space within the ALS runs contrary to the assertions within the Officer's Report for the appeal application (CD5.02) which considers:

"Whilst the built form would be contained to the northern portion of the site the remainder of the field would be used as public open space changing the character of the site from open arable field to residential and public open space of a different character, and results in the loss of the gap between the two settlements." (Page 22, CD5.02)

6.36 As set out by Mr Cook, the proposed open space within the site will be used for informal recreational purposes whilst also providing a setting and separation. This area of physical separation would remain permanent through the provision of strategic open space which would front onto the Cossington Road. The scheme would maintain and respect the separation between Sibleby and Cossington. Land within the site adjacent to the road would form strategic open space as grassland and meadows with proposed woodlands which upon establishment would further reinforce a sense of physical and visual separation with Cossington to the south.

6.37 Further to matters relating to landscape and ALS, the Core Strategy Policy CS11 also seeks to support and protect the character of the landscape and countryside by:

- *“supporting rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries and contributes to a low carbon economy, in accordance with Policy CS10;*
- *supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan; and*
- *supporting rural communities by allowing housing development for local needs in accordance with Policy CS3”.*

6.38 The appeal proposal does not accord with these elements of the policy however, in the context of a shortfall in housing land supply, I consider that the weight that can be given to this aspect of the policy is limited.

Saved Local Plan Policy CT/1

6.39 Saved Local Plan Policy CT/1 seeks to ‘strictly control’ development outside of the defined limits to development, including in the countryside, Green Wedges and Areas of Local Separation.

6.40 I accept that there is conflict with this policy however, I only give limited weight to the conflict. As I have set out in paragraph 4.44 of my proof of evidence, Saved Local Plan Policy CT/1 is inconsistent with the NPPF. The policy seeks to restrict development in a similar manner to Green Belt policy. The NPPF is more permissive of development in the open countryside than previous iterations of National Planning Policy; Saved Local Plan Policy CT/1 does not reflect this position.

6.41 By its nature, Saved Local Plan Policy CT/1 reflects the limits to development, which are out of date as they no longer respond to the current local housing need requirement. Saved Policy CT/1 cannot therefore be considered to be up to date.

6.42 CBC have allowed a breach of Saved Local Plan Policy CT/1 on numerous occasions by approving residential schemes on ‘land lying outside the defined limits to development’, as I explain under Saved Local Plan Policy CT/4 below, which is intrinsically linked to Saved Local Plan Policy CT1.

Saved Local Plan Policy CT/4

6.43 Saved Policy CT/4 specifically refers to Areas of Local Separation and is intrinsically linked to Saved Policy CT/1, its drafting suggesting a proposed development needs to have satisfied the tests of Saved Policy CT/1 before Saved Policy CT/4 is applied. The policy states:

"In areas of local separation development acceptable in principle will only be permitted where the location, scale and design of development would ensure that:

- i) *the predominantly open and undeveloped character of the area is retained; and*
- ii) *the already narrow gap between settlements is not reduced"* (Page 109, Paragraph 6.23, CD6.01).

6.44 As I set out in paragraph 4.49 of my proof of evidence, there are inconsistencies between Core Strategy Policy CS11, and Saved Local Plan Policies CT/1 and CT/4. Core Strategy Policy CS11 allows for a judgement to be made about whether *"new development clearly maintains the separation between the built-up area"*; Saved Local Plan Policies CT/1 and CT/4 take a much more restrictive approach with development that *"reduces"* the gap being prohibited.

6.45 Given the inconsistencies and having regard to Section 38 (5) of the Planning and Compulsory Act (2004), it is my view that CS11 should be preferred in the policy matrix and the weight to any conflict with Saved Policies CT/1 and CT/4 limited.

6.46 Further, as I refer in paragraph 4.50-4.53 of my proof of evidence, Saved Local Plan Policy CT/4, through its restrictive approach, is a policy relevant to the supply of housing and it therefore out of date and limited weight can be given to it. This position has been confirmed through the Secretary of State's decision for the appeals for Land off Mountsorrel Lane, Rothley (APP/X2410/A/13/2196928 & APP/X2410/A/13/2196929) (CD7.07), as well as through decisions made by CBC before, and after the date of the SoS's decision.

6.47 The Inspector considering the Mountsorrel Lane, Rothley appeals concluded:

"Policy CT/4 cannot be given full weight because it represents an outright ban on open market housing within the ALS, without the possibility of any countervailing benefit outweighing the prohibition" (Page 51 of PDF, Paragraph 8.17, CD7.07).

- 6.48 The Inspector goes on to assess whether Policy CT/4 is a policy for the supply of housing. In concluding on this, the Inspector states:

"The control mechanism in Policy CT/4 is clearly very relevant to the supply of housing: it represents an absolute ban on open market housing in the ALS. The effect of Policy CT/4 is therefore very relevant to the supply of housing." (Page 51 of PDF, Paragraph 8.19, CD7.07).

- 6.49 Whilst considered prior to the adoption of the Charnwood Local Plan Core Strategy (November 2015), the conclusions the Inspector draws in respect of the policy's relationship with housing supply are just as applicable in the current context, if not more so, some eight years later. The Inspector goes on to state:

"the limits to development and ALS (and Green Wedge) boundaries were all drawn in the CBCLP 2004 reflecting housing needs up to 2006 only. Housing needs are obviously greater in 2013 and the emerging CS acknowledges that the ALS boundaries will have to be redrawn as part of the Site Allocations and Development Management Policies DPD process. This also serves to demonstrate the direct link between ALS and provision of housing" (Page 51 of PDF, Paragraph 8.19, CD7.07).

"At first blush the proposals are contrary to Policy CT/4 of the CBCLP. However, if the matter is considered more closely it quickly becomes apparent that the proposal would maintain an adequate area of separation between Mountsorrel and Rothley. The ALS have a strategic role and are intended to act as small, open, rural buffers whose main purpose is to prevent neighbouring settlements from merging or coalescing. If that analysis is correct and there is no breach to the purpose of Policy CT/4 then the technical breach relating to the control mechanism ought to have little weight attached to it". (Page 52 of PDF, Paragraph 8.20, CD7.07).

- 6.50 This approach, of looking at the actual extent to which these is an erosion in the separate identity of two nearby settlements reflects the approach of Mr Cook and is reflective of determining whether there is harm to the underlying land use objective of the policy. Were the policy to be drafted today then I do not doubt that this more nuanced approach would have been followed which more closely reflects NPPF.

- 6.51 Having regard to Mr Cook's evidence the same conclusion can be drawn in respect of the appeal application. The site falls within the Area of Separation between Sileby and Cossington but the physical distance between the two settlements defined by their settlement boundaries would not physically reduce with the proposed scheme in place. The visual sense of perceived separation again would not materially change or reduce with the proposed scheme in place. Accordingly, I consider there to be no breach to the purpose of Policy CT/4.
- 6.52 The Officers Report for the Melton Road, Queniborough application (**CD7.06**) is a more recent example of where Officers have determined that Policy CT/4 is a policy which restricts the supply of housing and should only be given 'moderate weight' in the consideration of the application.
- 6.53 Notwithstanding the above, Mr Cook's proof of evidence concludes that in terms of location, the scheme sits alongside adjacent to Sileby framed on two sides by the settlement. The scale of the proposed residential neighbourhood is proportionate and does not overwhelm the existing residential neighbourhoods and the design as illustrated in outline would be in keeping with the character of adjacent residential areas. The predominantly open and undeveloped character of the remaining ALS would be retained with the proposal in place. Accordingly, I consider there to be no breach to the purpose of Policy CT/4.
- 6.54 It is also relevant to note that prior to the SoS decision discussed above, and adoption of the Core Strategy, CBC allowed a breach to Policy CT/4 by approving residential schemes within various ALS's, including:

ALS-A Loughborough and Woodthorpe

- o P/12/2640/2 - Land West of Allendale Road, Loughborough – 130 dwellings
- o P/12/2641/2 - Land North of Ling Road, Loughborough – 200 dwellings

ALS-C Mountsorrel and Rothley

- o P/14/0058/2 - Land at West Cross Lane, Mountsorrel – 130 dwellings

ALS-J Queniborough and Syston

- o P/13/1696/2 - Land at Queniborough Lodge – 125 dwellings
- o P/14/0393/2 - Land off Millstone Lane, Queniborough – 101 dwellings

ALS-L Syston and Barkby

- o P/13/0935/2 – 220 Barkby Road – 149 dwellings

7. The Inspectors Main Issue c)

c) whether or not the proposed development makes adequate provision for affordable housing and other infrastructure requirements.

- 7.1 Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services.
- 7.2 At the time of writing the S106 agreement is drafted with a number of matters agreed with some points of clarification outstanding in relation to education and healthcare in particular. This matter is to be the subject of round table discussions.
- 7.3 Each of the infrastructure requirements are discussed in turn below.

Affordable Housing

- 7.4 The Charnwood Housing Need Assessment (September 2020) **(CD6.30)** confirms an increase in affordable housing need from 392 dwellings per annum in 2017, to 476 dwellings per annum in in 2020 **(Figure 4.17, Page 92, CD6.30)**. This equates to an increase in need of over 21% in 3 years alone. With an overall Local Housing Need of 1,111 dpa, the affordable housing need equates to 42.8% of this total. The provision of 30% affordable housing (policy compliant) on allocated sites alone will not meet this need, and will only seek to exacerbate the already existent acute affordable housing shortage within Charnwood.
- 7.5 Policy CS3 Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need. For Sileby it is expected that 30% of Affordable Housing will be provided on site. Policy H4 of the Sileby Neighbourhood Plan also requires the development to provide 30% affordable and that at least two thirds of the affordable housing be social or affordable housing for rent, and the remainder low-cost starter homes for sale and shared ownership housing.
- 7.6 The Housing SPD **(CD6.18)** provides guidance on affordable housing to support Core Strategy Policy CS3. Policy HSPD2 sets out that the preferred tenure mix for all developments providing affordable housing in the Borough is:
- Social or Affordable Rent 77% / Intermediate (Shared Ownership) 23%

- 7.7 The appeal proposal provides 30% affordable housing on site (up to 51 affordable dwellings) which accords with Policy CS3 of the Core Strategy and Policy H4 of the Sileby Neighbourhood Plan.
- 7.8 The tenure split of the 51 Affordable Dwellings accords with the Housing SPD with the following split set out in the draft conditions and S106: 77% rent and 34% shared ownership.
- 7.9 Accordingly, the proposed development makes adequate provision for affordable housing.

Other infrastructure

Biodiversity and Geodiversity

- 7.10 Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.
- 7.11 The application is supported by an extended Phase 1 Habitat Survey and includes a BIA assessment. It is acknowledged that any ecological survey is however a snapshot in time and as several consultee responses mention birds and wildfowl in particular, the site was revisited in January 2022 to ensure site conditions remain consistent with the submitted documentation.
- 7.12 The arable field is not considered to have an ecological benefit or support suitable habitats for protected species. The proposals provide a betterment by stabilising the soils, protecting the brook from run off with a suds basin, new planting and land set aside for a good quality species-rich grassland habitat to develop over time, and for people to formally have access to it. Assessing this change formally using the DEFRA 2.0 Metric against the outline masterplan resulted in a 36.68% net gain.
- 7.13 The site is bounded on three sides by hedgerows which are in poor condition and under intensive mechanical flail annual management. A line of Leyland cypress are also present along the southern boundary. The boundary vegetation will be managed in a more sympathetic manner, with gaps planted up with native hedgerow reinforcement planting. Additional hedgerows will be planted between the edge of development and landscaping areas. Assessing this change formally using the DEFRA 2.0 Metric shows a 73.87% increase in hedgerows at the site.

- 7.14 The Officer's Report (**Pages 27-28, CD5.02**) set out that the Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by condition and approved as part of the detailed reserved matters application.
- 7.15 Details of the landscaping to be submitted and approved by the local planning authority are secured by condition, as well as the provision of a Landscape and Biodiversity Management Strategy to ensure that the development takes the form agreed by the local planning authority and thus results in a satisfactory form of development and to ensure the protection and enhancement of biodiversity.
- 7.16 Accordingly, the proposed development makes adequate provision in respect of biodiversity and ecology and complies with Core Strategy Policy CS13.

Open Space, Sports and Recreation

- 7.17 Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. The Illustrative Masterplan creates 5.88ha of new, publicly accessible open space across the site – some 58% of the site.
- 7.18 The new area of public open space incorporates provision for Parks, Natural and Semi-Natural Open Space, Amenity Green Space and a LEAP, well in excess of the requirements for those typologies which totals just 1.18ha – resulting in a surplus of 4.70 ha open space. Whilst the actual on-site provision is subject to a future Reserved Matters application, however the Illustrative Masterplan gives an indication of the typologies that could be provided
- 7.19 The onsite open space provision and its ongoing management and maintenance is secured through the S106 agreement.
- 7.20 In addition to the onsite open space requirements, contributions are made towards offsite leisure and sport where need is not met on site in accordance with Policy CS15. Contributions secured through the S106 agreement include:
- Outdoor Sport - £55,992 to be used to implement recommendations of the Charnwood PPS 2018
 - Allotments - £19,197 for the creation of additional plots within Sibleby.
 - Indoor sport - 4.12 sq m pool space (at a cost of £77,211), 0.11 indoor courts (at a cost of £74,605 and 0.03 Indoor Bowls Rinks (at a cost of £11,016).

7.21 Whilst the proposals do not specifically make on site provision for the older children typology, the 4.70 ha surplus of open space provision at the site, the development would seek to address existing shortfalls in Natural and Semi-Natural open space provision in Sileby.

7.22 The Officer’s Report considers that overall, it is considered that the development would provide good quality open space above the level required for the quantum of development proposed. The proposal is considered to comply with Policy CS15 of the Core Strategy (Page 24, CD5.02).

Sustainable Travel

7.23 Policy CS17 seeks to increase sustainable travel patterns and requires that major development proposals provide well-lit streets and opportunities for walking, cycling and public transport access to key facilities.

7.24 A number of conditions relating to access and sustainable travel are included within the schedule of conditions, including provision of a Travel Plan to promote the use of sustainable modes of transport. In addition to these, contributions to be secured through the S106 agreement are made towards the provision of the following:

- Provision of Travel Packs (£52.85 x 170 dwelling) at a total cost of £8,984.50
- Provision of 6-month bus passes (£430x2 x 170 dwelling) at a total cost of £146,200 – 2x application forms per dwelling to be facilitated by the Travel Plan co-ordinator and paid/funded on successful application
- STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee at a cost of £6,000;
- New Bus shelter at Bus Stop ID 260008504 at a cost of £4,500;
- Raised kerbs to allow level access; to support modern bus fleets with low floor capabilities at £3500 per stop at both Bus Stop 260008534 and 260008504 at a total cost of £7,000;
- Information display case at Bus Stop ID260008534 at a cost of £120; and
- Flag & Pole at Bus Stop ID 260008534 at a cost of £170;

7.25 As a result of the above contributions the proposal is considered to comply with Policy CS17 of the Core Strategy.

Delivering Infrastructure

7.26 Policy CS24 sets out that new developments will be expected to contribute to the reasonable costs of on and off-site infrastructure needs arising through the proposal, through the use of S106 and S278 agreements.

7.27 Infrastructure arising as a result of the development in addition to those already outlined include Education, Healthcare, Library and Waste Services.

7.28 In respect of Library and Waste Services, contributions to be secured through the S106 agreement are made towards the provision of the following:

- Leicestershire Libraries contribution at a cost of £5,130; and
- Waste Management contribution at a cost of £8,784

7.29 In respect of Education and Healthcare, the LCC consultation education consultation responses (CD4.12-4.14) and NHS – West Leicestershire CCG consultation response (CD4.23), set out their requests for planning obligations in relation to assumed population arising from the development and associated capacity for such facilities.

7.30 In respect of education, this covers Early Years, Primary School, Secondary School, Post -16 and Special Schools. The following contributions were sought by Leicestershire County Council in April 2021 (CD4.14 and CD.12).

- Primary School at a cost of **£744,192**;
- Secondary School at a cost of **£0**, raising to a cost of £ 507,499.64 should applications 2021/0760/02, 2021/0759/02, 2021/0738/02, 2021/2393/02 and 2021/1446/02 all be approved.
- Post-16 at a cost of **£0**;
- Special Schools at a cost of **£0**, raising to a cost of £95,962.33 should applications 2021/0760/02, 2021/0759/02, 2021/0738/02, 2021/2393/02 and 2021/1446/02 all be approved prior to the determination of this application.
- Early Years at a cost of **£124,698**;

7.31 In December 2021, Leicestershire County Council issued an updated consultation response (CD4.28).

Primary Education

- 7.32 The updated response included an increase to the cost multiplier for a primary school place from £14,592 to £18,356 to reflect the information published in the 2021 DFE Report. As a result, the Primary School contribution now sought is **£936,156.00**.
- 7.33 The response also considers that transport costs will be required to meet the cost of transporting pupils to a school outside of a two-mile walking distance, in perpetuity, at a cost of around **£38,000 per annum**. The Education Note (**Appendix 5**) sets out that LCC have not explained that if Cossington CofE Primary School (the closest facility to the development site) is expanded by 0.5ha utilising land from the neighbouring consented scheme, why the transport costs are necessary. Pupils from this development walking to Cossington Primary School would have no requirement for transportation and associated costs.
- 7.34 On the above basis our current position is for **£0** contributions towards primary transportation costs. If sufficient evidence is provided and contributions are deemed to be CIL compliant then we acknowledge the need to make appropriate contributions.
- 7.35 The appellant has no issue in agreeing planning obligations towards expanding Primary School provision if it can be evidenced that the combination of development coming forward in Sibleby is likely to mean that additional provision is required; however, there are unresolved issues. There is no obvious justification for the projection at Highgate School, for example. This school had, as of the 2020/21 academic year, 93 spare places. LCC is forecasting that the school will have a deficit of 240 places following this development's completion (this development is forecast to generate 51 pupils). There is no clarity on where the residual 333 additional pupils coming from and would be the equivalent of over 1,100 new dwellings. A clear audit trail is lacking.
- 7.36 LCC has been approached for comment in relation to the above (8th February 2022) and the opportunity to clarify their position, and answer some of the issues that have yet to be explained, but to date, no response has been forthcoming.

Secondary Education

- 7.37 The updated LCC response also seeks a Secondary School contribution of **£507,499.64** but does not provide justification.

- 7.38 LCC has identified that pupils from this development can attend Wreake Valley Academy for Sixth Form, and that no Sixth Form planning obligations are warranted due to the considerable spare capacity. However, LCC has not considered Wreake Valley Academy for Secondary School provision, in spite of the fact it is the closest school to the development site as the crow flies. Wreake Valley Academy had 555 spare places in the 2020/21 academy year, or an average of 111 per Year Group. The schools never forecast to go over capacity. This development is forecast to generate 6 pupils per Year Group.
- 7.39 On the above basis sufficient secondary school capacity is available and our current position is for **£0** contributions towards secondary education.
- 7.40 LCC has been approached for comment in relation to the above (8th February 2022) and the opportunity to clarify their position, and answer some of the issues that have yet to be explained, but to date, no response has been forthcoming. If sufficient evidence is provided and contributions are deemed to be CIL compliant then we acknowledge the need to make appropriate contributions

Special School

- 7.41 Similarly, the updated LCC response also seeks a Special School contribution of **£95,962.33** citing that the development would generate 0.62 primary and 0.68 secondary SEN pupils.
- 7.42 Given the development is forecast to generate a fraction of a pupil in both the Primary and Secondary phases, this is insufficient to justify planning obligations. There is therefore not a clear link between need and the contribution requested.
- 7.43 On the above basis, without adequate justification for the contributions, our current position is for **£0** contribution towards special school education.
- 7.44 LCC has been approached for comment in relation to the above (8th February 2022) and the opportunity to clarify their position, and answer some of the issues that have yet to be explained, but to date, no response has been forthcoming. If sufficient evidence is provided and contributions are deemed to be CIL compliant then we acknowledge the need to make appropriate contributions.

Early Years

- 7.45 The LCC response seeks an Early Years contribution of **£124,698** but does not provide adequate justification for such.

- 7.46 LCC has been approached for comment in relation to the above (9th February 2022) and the opportunity to clarify their position. LCC responded on 10th February 2022, setting out that there are 189 childcare spaces with 171 on roll, which is spare capacity of 18 places. This development is forecast to generate 14 Early Years places.
- 7.47 The LCC Early Years consultation response (**CD4.12**) discusses two developments in Sileby with a planned housing total of 395 dwellings - the undetermined Barwood application for 175 dwellings at Peashill Farm (P/21/2131/2), and the Gladman development of 228 dwellings at Barnards Drive (P/20/0738/2), emerging Local Plan proposed allocation HA53. The latter development is providing planning obligations, which will increase the available the capacity of the area by 19 places, making the actual available capacity 208. Therefore, there is spare capacity in the area that has not been discounted from this planning obligation request, making the contribution excessive, and not CIL 122 compliant. Additionally, this available provision is provided by the Private Sector. If additional provision is necessary, it is most likely the Private Sector that will create the places to accommodate the children. The proof that harm will arise without planning obligations is lacking.
- 7.48 On the above basis, without adequate justification for the contributions, our current position is for **£0** contribution towards early years education. If sufficient evidence is provided and contributions are deemed to be CIL compliant then we acknowledge the need to make appropriate contributions.

Healthcare

- 7.49 In respect of primary healthcare, the NHS West Leicestershire CCG, considers that the development could result in an increased patient population of 411.4. The CCG consider that the two surgery's in Sileby are experiencing capacity issues and therefore have requested a contribution of **£54,077.76** towards providing additional accommodation for 177.7 patients at Highgate Medical Centre and **£71,119.49** towards providing additional clinical accommodation for 233.7 patients at Banks Surgery.
- 7.50 The Education and Healthcare Note (**Appendix 5**) sets out that both facilities are accepting patients and therefore cannot be said to be at capacity. The monetary request is for 100% of the people that are expected to live on this development site, in spite of the fact that most people that move house do not move far, and they do not change GP Practices once habits have been formed, making the request excessive. Most NHS Practices have inflated rolls, as reported by UK Parliament, meaning that the roll is actually lower than forecast.

- 7.51 In order for planning obligations to be considered CIL Reg 122 compliant, there must be a deficit in places identified and evidenced, for which planning obligations would be utilised to increase the capacity to accommodate the growth in population. If there is no demonstrable deficit that would be made worse by new development, as in this case, the contribution is not necessary to make the development acceptable in planning terms. As such there are no policy conflicts arising.
- 7.52 On the above basis, without adequate justification for the contributions, our position is for **£0** contribution towards healthcare provision.
- 7.53 As a result of the above the proposal is considered to comply with Policy CS24 of the Core Strategy.

8. The Inspectors Main Issue d)

d) whether or not any conflict with the development plan and harm arising is outweighed by other considerations

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 It is agreed within the Planning SoCG that the Saved Policies of the Charnwood Local Plan 2004 and the Core Strategy (2015) are now more than five years old.
- 8.3 It is also agreed that the Council is unable to demonstrate a minimum five-year housing land supply as required under Paragraph 73 of the NPPF. The Council can demonstrate a 3.34 year supply as of the 31st March 2021.
- 8.4 In the context of the above it is agreed that the titled balance in Paragraph 11 of the NPPF is engaged and that the appeal proposal should be approved unless the harms significantly and demonstrably outweigh the benefits of the Development when assessed against the policies in this NPPF taken as a whole.
- 8.5 It is also a point of agreement between parties that Paragraph 14 of the NPPF is not engaged as the Sileby Neighbourhood Plan, became part of the development plan more than two years ago and does not make any full housing allocations to meet an identified housing need. It is therefore agreed that conflict with the Neighbourhood Plan cannot be considered significant and demonstrable harm to outweigh the identified benefits on its own.

Conflict with the Development Plan

- 8.6 Section 5 of my evidence and my response to the Inspector's Main Issues a) and b) has considered the most important policies in the determination of the appeal application in respect of their consistency with the NPPF, the weight that can be given to the policies and the weight to be attributed to any conflict with the policies. A summary of my assessment of any conflict with the Development Plan Policies is set out below for ease.

Core Strategy Policy CS1

- 8.7 Core Strategy Policy CS1 is out of date, firstly because the Council cannot demonstrate a five-year housing land supply and secondly because it seeks to support a level of growth based on a housing requirement, which is out of date. As such, the policy can be given only limited weight. Notwithstanding this, there is no conflict with the policy. The overall housing target which Core Strategy Policy CS1 seeks to deliver is clearly identified as a minimum figure and therefore, it follows that the housing figures for each of the settlement tiers must also be considered as minimums. There is nothing within the policy to place an upper limit on growth in a single settlement or tier.

Core Strategy Policy CS11

- 8.8 As set out in response to the Inspectors Main Issue b) the Officer's Report gives Core Strategy Policy CS11 'significant weight'. I consider this is overstated. It is also contradictory to the weight it has been given by CBC Officers determining residential applications in other Areas of Local Separation.
- 8.9 Policy CS11 allows for a judgement to be made about whether "new development clearly maintains the separation between the built-up areas of these settlements". This judgement is not one that can simply be made by looking at a plan; it is more nuanced requiring both qualitative and quantitative factors to be considered.
- 8.10 Mr Cook's proof of evidence concludes that the actual physical distance in terms of the gap between Sileby and Cossington is defined by the southernmost points of Sileby and the northernmost point of Cossington. This gap would remain unchanged and as such, there would be no narrowing of the gap in physical terms. Both Mr Cook, and I consider that the appeal proposal accords with the landscape and ALS aspects of Core Strategy Policy CS11.
- 8.11 There would be limited conflict with Policy CS11 in relation to the last three bullet points, however in the context of a shortfall in housing land supply, I consider that the weight that can be given to this aspect of the policy is limited, and the weight to be given to any conflict is limited.

Saved Local Plan Policy ST/2

- 8.12 Saved Local Plan Policy ST/2 is a 'settlement limits' policy. The policy is out of date, both by virtue of being time expired and as a result of the Council being unable to demonstrate a five-year housing land supply. Saved Local Plan Policy ST/2 can be given no more than limited weight.
- 8.13 There is a conflict with the policy, as the appeal proposal is outside of the limits to development. However, in the context of the above, I consider this conflict to be limited.

Saved Local Plan Policy CT/1

- 8.14 Saved Local Plan Policy CT/1 seeks to 'strictly control' development outside of the defined limits to development, including in the countryside, Green Wedges and Areas of Local Separation.
- 8.15 I accept that there is conflict with this policy however, I only give limited weight to the conflict. As I have set out in paragraph 4.44 of my proof of evidence, Saved Local Plan Policy CT/1 is inconsistent with the NPPF. The policy seeks to restrict development in a similar manner to Green Belt policy. The NPPF is more permissive of development in the open countryside than previous iterations of National Planning Policy; Saved Local Plan Policy CT/1 does not reflect this position.

Saved Local Plan Policy CT/4

- 8.16 As I have set out in paragraph 4.49 of my proof of evidence and in response to the Inspector's Main Issue b) there are inconsistencies between Core Strategy Policy CS11 and Saved Local Plan Policies CT/1 and CT/4. Core Strategy Policy CS11 allows for a judgement to be made about whether "*new development clearly maintains the separation between the built-up area*"; Saved Local Plan Policies CT/1 and CT/4 take a much more restrictive approach with development that "*reduces*" the gap being prohibited.
- 8.17 Given the inconsistencies and having regard to Section 38 (5) of the Planning and Compulsory Act (2004), it is my view that CS11 should be preferred in the policy matrix and the weight to any conflict with Saved Policies CT/1 and CT/4 limited.
- 8.18 There is conflict with Saved Policy CT/4, at "*first blush*", as described by the Inspector considering the Land off Mountsorrel Lane, Rothley appeals (CD7.07), however there is no breach to the purpose of CT/4 and the breach relating to the control mechanism should have limited weight.

Sileby Neighbourhood Plan Policy G1

8.19 As agreed through the Planning SoCG, the Sileby Neighbourhood Plan covers the period 2018 to 2036 and was 'Made' in January 2020. The Neighbourhood Plan is over 2 years old and has no unreserved housing allocations to meet an identified housing need, thus the provisions of Paragraph 14 are not applicable. It is agreed that any conflict with the Neighbourhood Plan cannot be considered as significant and demonstrable harm to outweigh the identified benefits on its own.

Sileby Neighbourhood Plan Policy G2

8.20 Sileby Neighbourhood Plan Policy G2 is referred to in RfR1, but not considered by the Officer as one of the most important policies in the determination of the appeal application, nor is an assessment of the appeal application against the policy undertaken. Conflict with the policy is only cited within the Officers Planning Balance (Page 36, CD5.02).

8.21 As confirmed through Mr Cook's proof of evidence the appeal proposal will enhance and reinforce the local distinctiveness of Sileby with the scheme delivering a new, high quality, sensitively designed edge to the settlement and create a more positive interface to the countryside through the delivery of high-quality housing designed to front onto the countryside.

8.22 The appeal proposal delivers a significant increase in Biodiversity Net Gain of circa 38.68% net gain in respect of habitat creation and 73.87% for hedgerows. Reinstated hedgerows to restore the historic landscape grain will be introduced.

8.23 Other matters detailed within Neighbourhood Plan Policy G2, such as security lighting, ground level gaps in fencing and provision of household waste storage are all matters which can be conditioned or dealt with through reserved matters.

8.24 Having regard to the above, I consider that there is no conflict with Sileby Neighbourhood Plan Policy G2.

Harms arising from the development

8.25 As I explained in response to the Inspector's Main Issue a), with the exception of CBC's Landscape Officer, no objection was received to the appeal proposal from any technical statutory consultee as confirmed through paragraphs 53 to 88 of the Planning SoCG. No case was put forward in the Officers Report that

the appeal application should be refused on issues relating to impacts on highways, flood risk, drainage, heritage, ecology, noise, vibration or design.

- 8.26 I am very mindful of concerns raised by third parties explaining harms that they consider will arise from the development. As I explain at the Inspector's Main Issue a), responses to third party concerns in respect of education/healthcare, highways, flood risk and drainage and ecology are included as appendices 4, 5, 6 and 7 respectively. The responses confirm that none of the issues raised are considered to change the assessment or conclusions of the appeal application and that there are no policy conflicts arising
- 8.27 As demonstrated by the lack of technical objections to the scheme and the notes provided to respond to the third parties' concerns, there are no wider harms, that cannot be mitigated arising from the appeal proposal sufficient to warrant the refusal of the application.
- 8.28 In respect of the ALS, Mr Cook's proof of evidence confirms that there would be no narrowing of the gap in physical terms. As I explain in response to the Inspector's Main Issue b) and summarised above, there is therefore no conflict with Core Strategy Policy CS11. There is conflict with Saved Policies CT/1 and CT/4, at "first blush", as described by the Inspector considering the Land off Mountsorrel Lane, Rothley appeals (**CD7.07**), however there is no breach to the purpose of CT/4 and the breach relating to the control mechanism should have limited weight.
- 8.29 Mr Cook concludes that in terms of landscape impact the development would introduce a high-quality residential built environment which would be in keeping with the local settlement and therefore, not at odds or out of character or appearance and would not as such, result in an adverse effect but rather neutral in nature with regard to this northern part of the site as a consequence of its change in landscape character terms. The wider landholding and balance of the site would accommodate significant new green infrastructure which would replace derelict horse paddocks and again change this character of the site to be more representative of the local landscape character area and therefore would result in a major beneficial effect at the site level. This neutral harm in respect of the built element of the development must be considered in the wider planning balance.

Benefits of the development

8.30 I set out below the benefits arising from the appeal proposal and the weight that should be attributed to them in the planning balance.

Social Benefits

8.31 The proposal will result in a broad range of housing types, sizes and tenures for both market and affordable housing that helps to meet current and future housing needs.

Market Housing

8.32 The appeal proposal would deliver 170 dwellings, including 119 market dwellings. In the context of the Council not being able to demonstrate a five year housing supply. I consider that this is a benefit which should be afforded very significant positive weight. The Officers Report attributes “significant positive weight” (Page 35, CD5.02) to this benefit.

8.33 As detailed within the Planning SoCG, it is agreed that a condition requiring the submission of reserved matters applications within 18 months (rather than three years) could be imposed to ensure development is commenced at the earliest opportunity if the appeal is allowed. This will ensure housing is brought forward as soon as practically possible to assist in meeting the Council's shortfall in housing needs.

Affordable Housing

8.34 The appeal proposal provides 30% affordable housing on site (51 affordable dwellings) which accords with Core Strategy Policy CS3.

8.35 The Council's Housing Need Assessment (September 2020) (CD6.30) confirms an increase in affordable housing need from 392 dwellings per annum in 2017, to 476 dwellings per annum in 2020 (Figure 4.17, Page 92, CD6.30). This equates to an increase in need of over 21% in 3 years alone. With an overall Local Housing Need of 1,111 dpa, the affordable housing need equates to 42.8% of this total. The provision of 30% affordable housing (policy compliant) on allocated sites alone will not meet this need and will only seek to exacerbate the already existent acute affordable housing shortage within Charnwood.

8.36 The provision of 51 dwellings affordable homes, in an accessible location, would make a useful contribution to the affordable housing supply. At a time where there is a borough wide housing shortfall and the council can demonstrate only 3.34 years housing land supply, I consider the benefits of such

provision should be afforded significant positive weight. The Officers Report agrees and attributes “significant positive weight” (Page 35, CD5.02) to this benefit.

8.37 As is the case for market housing, the condition requiring the submission of reserved matters applications within 18 months will ensure affordable housing is also brought forward as soon as practically possible to assist in meeting the Council’s shortfall in affordable housing needs.

Public Open Space

8.38 The provision of new publicly accessible green infrastructure providing access for residents to the south of Sileby to extensive open space. Whilst the primary purpose of this benefit is intended to make provision for the residents arising from the development, the significant over provision of open space for this size of scheme (equating to approximately 58% of the site), will help to address existing shortfalls in Natural and Semi-Natural open space provision in Sileby and will benefit the existing community as well as its future residents.

8.39 The open space provision will not only provide an attractive place for rest and relaxation, but will encourage natural outdoor play and recreation, supporting health and wellbeing of the community. I afford this significant positive weight.

8.40 The provision of family housing within walking distance of Primary Schools. I afford this moderate weight.

Economic Benefits

8.41 The proposed development would assist in meeting the economic objective as during the build programme, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers. The proposed development would help contribute to ensuring the Borough has a stable workforce in terms of ability and age.

8.42 Once occupied, the Proposal is capable of supporting the existing range of local shops and services in Sileby, increasing potential footfall that would help to ensure their long-term viability and vitality. The proposed development would therefore generate significant spending in the Borough, which would help create full time jobs in the local retail and leisure sectors.

8.43 The additional properties and residents will lead to an increase in Council Tax revenue and New Homes Bonus payments of benefit to the wider borough.

8.44 On this basis, I consider that moderate weight should be afforded to the economic benefits.

Environmental Benefits

8.45 The site is in a sustainable and accessible location, with good access to local shops, services and public transport facilities. This reduces the need for the use of a private car for everyday travel requirements. I afford this significant weight.

8.46 New native tree planting will be provided, and an opportunity exists for replacement tree planting on the southern boundary of the appeal site to better reflect the characteristics of the wider landscape. Having regard to Mr Cook's evidence, I afford this significant weight.

8.47 The appeal proposal also provides the opportunity to deliver a new, high quality, sensitively designed edge to the settlement and create a more positive interface to the countryside through the delivery of high-quality housing designed to front onto the countryside. I afford this significant weight.

8.48 The appeal proposal will deliver biodiversity net gains of approximately 38.68% net gain in respect of habitat creation and 73.87% for hedgerows. This is far in excess of the target 10% Biodiversity Net Gain which is being introduced through the Environment Bill. I therefore afford this significant weight.

Benefits Conclusion

8.49 I consider that the benefits of the scheme are considerable and should be afforded significant weight.

8.50 As demonstrated within my Proof, the harms arising from the appeal proposal are considered to be limited. The tilted balance is engaged, therefore planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is my professional opinion that the limited harm arising from granting permission is not considered to significantly and demonstrably outweigh the benefits of this proposals, and as a consequence planning permission should be granted.

8.51 Further, this is not only a case where harm doesn't significantly and demonstrably outweigh benefits. This in fact is a case where benefits significantly and demonstrably outweigh harm. The benefits in their own right could be seen as material considerations in indicating that permission should be granted because they will deliver benefits not only to the residents of the proposed development, but to the wider Sileby community and beyond. Accordingly, I give these benefits significant weight.

9. Conclusions and planning balance

- 9.1 This appeal proposes residential development on a site in Sileby, a Service Centre, acknowledged to be one of the more sustainable settlements within Charnwood to provide for additional growth, within the context of a shortfall in the Council's five-year supply of housing.
- 9.2 The appeal proposals should be decided in accordance with the development plan unless material considerations indicate otherwise. The Council cannot demonstrate a deliverable five-year housing land supply and in addition, the housing policies in the adopted Core Strategy, the Local Plan, and Neighbourhood Plan are out of date.
- 9.3 In the context of the above it is agreed that the titled balance in Paragraph 11 of the NPPF is engaged and that the appeal proposal should be approved unless the harms significantly and demonstrably outweigh the benefits of the Development when assessed against the policies in this NPPF taken as a whole.
- 9.4 There would be no conflict with Core Strategy Policy CS1 as the housing requirements set within the policy are minimums, not maximums.
- 9.5 There would be limited conflict with Policy CS11 in relation to the last three bullet points, however the proposals accord with the first three bullet points and the latter statement, requiring a judgment to be made regarding maintaining the separation between the built-up areas of the settlements.
- 9.6 There would be some conflict with Saved Policy ST/2 and CT/1 of the Local Plan and Policy G1 of the Sileby Neighbourhood Plan insofar as they seek to restrict residential development beyond the existing settlement boundaries. However, I give limited weight to the conflict with the blanket restriction set by these policies because they are based on settlement boundaries which reflect an out-of-date housing requirement, and the Council cannot demonstrate a five-year housing land supply.
- 9.7 There would be conflict with Saved Policy CT/4, but no breach of the purpose of the policy, therefore affording limited weight only.

- 9.8 There would be no conflict with Neighbourhood Plan Policy G2 regarding design as the scheme accords with the criteria within the policy.
- 9.9 I give weight to these policies insofar as they would allow sustainable development where the landscape harm is not significant. However, I give limited weight to the conflict the proposed development has with these policies in this regard because Mr Cook's evidence concludes that the harm arising as a result of the proposed development would not be significant and highly localised.
- 9.10 In terms of paragraph 11d)ii. of the NPPF, Mr Cook has identified that there would be some adverse impacts but these are not significant and are highly localised and there is overall compliance with the NPPF in terms of respecting character and appearance.
- 9.11 In relation to other matters set out in Section 5 of the Planning SoCG, such as education, healthcare, highways, flood risk and drainage, and ecology, I consider that the proposed development has been demonstrated to be acceptable, in accordance with the development plan and the NPPF. The matters should be afforded neutral weight.
- 9.12 A summary table of the weight and conflict attributed to policies by each party is included at **Table 1, Appendix 1.**
- 9.13 Weighing in favour of the proposed development would be a range of tangible benefits as I have discussed in Section 8 of my proof of evidence:
- The proposed development would deliver market housing in a sustainable location, in a borough where the Council cannot demonstrate a five year housing land supply. New residential development should therefore be afforded **very significant weight**.
 - The proposals would also deliver a policy compliant level of affordable housing in an authority with very significant levels of unmet need. It would contribute to addressing the needs of Charnwood who are in urgent need of an affordable home. This should be afforded **very significant weight**.

- The delivery of 5.88ha of public open space, including an equipped area of play should be afforded **significant weight**.
- The delivery of family housing within walking distance of Primary Schools play should be afforded **moderate weight**.
- The associated economic benefits of the proposed development (construction phase and long-term impacts) should be afforded **moderate weight**.
- The delivery of housing in a sustainable location, with good access to shops, services and public transport facilities, reducing the need for the use of the private car should be afforded **significant weight**.
- The environmental benefits of new planting better reflect the characteristics of the wider landscape should be afforded **significant weight**.
- The delivery of a new, high quality, sensitively designed edge to the settlement, creating a more positive interface to the countryside should be afforded **significant weight**.
- The delivery of biodiversity net gains in excess of the target 10% Biodiversity Net Gain which is being introduced through the Environment Bill should be afforded **moderate weight**.

9.14 I consider that the benefits of the scheme are considerable and should be afforded significant weight. The harms arising from the appeal proposal are considered to be limited. As I have demonstrated, I consider that the appeal scheme accords with the up-to-date Development Plan when considered as a whole, with conflicts arising only against policies which are out of date or for which only limited weight can be afforded.

9.15 The tilted balance is engaged, therefore planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is my professional opinion that the limited harm arising from granting permission is not considered to significantly and demonstrably outweigh the benefits of this proposals, and as a consequence planning permission should be granted.

9.16 Further, this is not only a case where harm doesn't significantly and demonstrably outweigh benefits. This in fact is a case where benefits significantly and demonstrably outweigh harm. The benefits in their own right could be seen as material considerations in indicating that permission should be granted because they will deliver benefits not only to the residents of the proposed development, but to the wider Sileby community and beyond. Accordingly, I give these benefits significant weight.

9.17 In conclusion, the harm does not significantly and demonstrably outweigh the benefits, rather the benefits outweigh the harm, and therefore in accordance with the development plan as a whole and the NPPF, planning permission should be granted. I therefore respectfully invite the Inspector to allow the appeal.