



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL BY DAVID WILSON HOMES LIMITED

Outline Application For Up To 150 Dwellings, Together With New Open Space, Landscaping, And Drainage Infrastructure, With All Matters Reserved Except For Access

(As Amended To Include Proposed Junction Improvement Works At Barkby Road Cross Roads, Received 20/05/2022)

BARKBY ROAD, QUENIBOROUGH

PLANNING APPLICATION REF: P/20/2380/2

APPEAL REFERENCE: APP/X2410/W/23/3316574

CHARNWOOD BOROUGH COUNCIL

PROOF OF EVIDENCE - SUMMARY

PLANNING (Development Management)

By Liam Ward

1. Introduction

The Planning Application

1.1 The subject planning application¹ was made valid on 22nd January 2021. Planning permission was refused on 9th December 2022. The proposal is outline permission for a residential development of up to 150 dwellings on land south of Avenue Road, accessed from Barkby Road.

Figure 1 - Extract from the applicant's illustrative Conceptual Plan²



1.2 The appellant has appealed against the Council's decision³ to refuse permission. The two reasons given for refusal were:

Refusal Reasons:

- 1 The proposed development, in itself and cumulatively with other development, would result in a harmful impact upon on the character of the countryside in this location and the Area of Local Separation within which it is located. This would have an impact on the individual identity of Queniborough and Syston and result in coalescence between the settlements and the proposals would not protect and maintain the separate identities of the town and village. The development would therefore be contrary Policies CS2 and CS11 of the Charnwood Local Plan Core Strategy 2015, saved Policies EV/1, CT/1, CT/2 and CT/4 of the Adopted Borough of

¹ Core Documents group CD1 and group CD2

² Core Document CD1.03

³ Core Document CD4.01

Charnwood Local Plan 1991-2006 and Policy Q6 of the Queniborough Neighbourhood Plan 2021. The Council consider that such harm arising from the proposals would significantly and demonstrably outweigh the planning benefits of the scheme.

- 2 In the absence of a signed Planning Obligation, although a Draft Heads of Terms is noted, the proposal fails to deliver an appropriate level of affordable housing and contributions towards sustainable travel, ecology, education, libraries, civic amenity, community facilities and open space and play provision that are necessary to make the development acceptable in planning terms.

The proposals would be contrary to Policies CS3, CS13, CS17 and CS24 of the Charnwood Local Plan 2011-2028, Core Strategy (2015) and adopted Housing Supplementary Planning Document (2017) and Community Infrastructure Levy Regulations.

- 1.3 After the exchange of Statements of Case the Inspectorate held a Case Management Conference with the appellant's team and the council's team. In the summary note issued afterwards three main issues were identified.

- (1) The effect of the development on the character and appearance of the area including the Area of Local Separation.
- (2) Housing land supply and the policy implications; and
- (3) Whether the development would provide acceptable contributions towards infrastructure.

- 1.4 The appellant has argued in its Statement of Case that because the council cannot demonstrate a five-year housing land supply the planning balance involved in decision making should be tilted decisively in their favour. They rely upon an interpretation of the meaning of the policy test in paragraph 11 of the National Planning Policy Framework. The task for the decision-taker is to weigh the adverse impacts of the proposal against the benefits.

2. Main Issue 1

- 2.1 The council engaged Mr Simon Neesam of The Landscape Partnership to undertake an independent assessment of the proposal. His Proof of Evidence with appendices can be read separately.

- 2.2 The policies cited in the first reason for refusal are taken from the adopted or made Plans mentioned in the decision text. Those policies continue to have weight. The policies in the emerging Charnwood Local Plan 2021-37 gain weight as each stage in the plan's progress toward adoption is reached. Also relevant are the policies in the NPPF, and other legislation, policy and guidance listed in my Proof of Evidence. The weight to be accorded to the most important policies across the suite of material considerations is, in part a matter of planning judgement.
- 2.3 The Area of Local Separation between Queniborough and Syston was established in order to maintain sufficient green space between the village and town to protect against any sense of coalescence.
- 2.4 Amongst the important viewpoints are those along the public right of way which connects the two settlements. Before the council's land supply fell below 5-years the separation between the built forms, measured along the length of that PRow was just over 700m. Should this appeal be allowed, that would reduce to 290m. The appellant won a planning approval (P/14/0393/2) off Millstone Lane for a residential development and a cemetery, now built. That reduced the length of the PRow across the separation length by 175m. The current appeal would reduce it by a further 240m. (See figure 5 in my Proof of Evidence).
- 2.5 Mr Neesam's evidence demonstrates the significant negative impact which would arise should this appeal be allowed.

3. Main Issue 2

- 3.1 The council has just completed its annual monitor of housing sites and will publish an update to its current housing land supply figure during the next few weeks. Dr Hopkins has provided further detail in his Proof of Evidence on Housing Land Supply.
- 3.2 The appellant has listed a series of purported benefits arising should the appeal be allowed. In a number of previous appeals, the Inspectors have given significant weight to the provision of housing in circumstances where the council's housing land supply is not greater than five years. However, each case must be considered in its own context. A major difference between this appeal and those which have gone before is that the emerging Local Plan is moving closer to adoption. By the time a decision has been made by the Inspector in this case the emerging Local Plan will be only a few weeks short of its adoption date.

- 3.3 The NPPF defines which types of sites can be described as deliverable. Sites with outline planning permission, which is the objective of this appeal if allowed, should not be considered deliverable, unless there is clear evidence that housing completions would begin within five years. It seems improbable that the appeal site would be deliverable before the adoption of the emerging Local Plan, and so its benefit to the current supply deficit is diminished.

4. Main Issue 3

- 4.1 The appellant has challenged some of the financial obligations which were being sought by the County Council in respect of Education and by the NHS Leicester, Leicestershire And Rutland ICB. The educational contribution has now been agreed, leaving only the NHS contribution to be debated at the Inquiry.

5. Planning Balance

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 5.3 My planning judgement is that the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. That judgement takes into account all the material circumstances, which are unique to this site, in this location at this time.
- 5.4 I contend that this appeal should be dismissed.