

Appeal Reference: APP/X2410/W/21/3287864
LPA ref: P/21/0491/2
Land East of Cossington Road, Sileby
Outline application for up to 170 dwellings - point of access for approval

CLOSING SUBMISSIONS ON BEHALF OF THE LOCAL PLANNING AUTHORITY

These submissions should be read alongside the Council's Opening Statement (ID3) in the interest of avoiding unnecessary repetition.

Introduction

1. Sileby is growing. House-building is proceeding apace. If the Council's strategy and plans come to fruition it will continue to grow. Its smaller neighbour Cossington is also planned to grow, with the blessing of the Council. At the heart of this appeal is whether that growth should include up to 170 dwellings on the appeal site which has long been an area of land which the development plan identifies as being important to be kept open to assist in preserving the separate identities of the two settlements.
2. Developing the appeal site as proposed is not part of the Council's strategy and plans for the area, nor those of the two parish councils which have or are now producing neighbourhood development plans ("NDP"). The foundation upon which the Appellant's case is built is that the Council cannot at present demonstrate a 5-year housing land supply ("5YHLS"). The NPPF's 'tilted balance' is therefore engaged which means, so the Appellant says, that the harm to interests of acknowledged importance should yield to the need to increase the supply of housing and the benefits that this would bring. In essence, the Council says that the adverse impacts of the proposed development do significantly and demonstrably outweigh the benefits. The Appellant disagrees.
3. The inspector appointed to determine the appeal has identified "main issues" which these closing submissions will consider in turn.

Main issue: the effect of the proposed development on the character and appearance of the area in relation to landscape and the Area of Local Separation.

Areas of Local Separation (“ALS”)

4. The appeal site’s designation as an ALS has persisted in development plans for 25 years plus (Mr Gould’s proof #6.20).
5. The actual gap. The Policies Map (CD6.02) shows the extent of the gap (it is also shown on p16 of the D&AS (CD1.16)). Local Plan policy CT/4 (CD6.01, p109) describes ALS as being “already narrow” - a planning judgment reached after examination of the plan - and seeks to ensure that it is “not reduced”. The dimensions of the gap, and the effect of allowing built development as proposed are described by Mr Higson in his proof at appx 1, #5.2.8 and shown on the Measured Distance Plan at ID11.
6. Although there will be no reduction of the gap between built development at its shortest point, as a result of the development proposed the ALS will be reduced in depth (by between 61m and 160m) across almost the entire width of the field that comprises the appeal site (see ID 11). The extent of the reduction is further illustrated in CD2.04 Visualisations, particularly 11 & 12, 15 & 16 and 19 & 20.
7. The open and undeveloped character of ALS remained protected in the Core Strategy (CD6.03, p67, #7.14) “unless new development clearly maintains the separation between the built up areas of these settlements (Policy CS11, p68). The gap remains protected and ‘unreduced’ in the Sibley NP (CD6.13). Further housing development has been resolved to be permitted at Humble Lane (CD7.01 & 7.05) which extends Cossington eastwards. This is illustrated on the Updated Verified Views (ID7) (which replace those in Mr Cook’s appx 4 and CD10.13).
8. Whether the separate identities of the two settlements will be maintained will be perceived by:
 - a. The local residents of Sibley and Cossington. The evidence they have provided (both written and oral) is that there will be harm on this count.
 - b. Users of the PROW network (shown on CD10.14) including the Leicestershire Round (ID14).
 - c. Travellers on Cossington Road.

- d. Travellers on the railway.
 - e. Users of what is now an open arable field of 'separating gap' which would become a designed, shared public open space for residents of both Sileby and Cossington. Rather than being a separating feature it will become a 'joint space', which Mr Higson described in XX as being "peri-urban" where the sense of separate identity is "blurred".
9. All this will have been carefully noted and considered on the site accompanied and unaccompanied visits undertaken by the inspector.
10. The reason why the ALS gap is important and protected is well set out in the evidence that predates the appeal (and all of which was accepted by Mr Cook in XX):
- a. Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation ARUP (Main report March 2016 and Addendum May 2019) (CD6.06 & 6.07). The report was commissioned by Charnwood Borough Council to review the locations and boundaries of Green Wedges and Areas of Local Separation in the borough. The report noted that ALS-D "provides the gap between Sileby and Cossington, preventing further ribbon development along Cossington Road and ensuring that the integrity of the gap is maintained" (p43, 68, 86). This addendum report (CD6.07) was commissioned by Charnwood to review and to respond to the representations received in response to consultation on the Green Wedges and Areas of Local Separation report with the aim of assisting their consideration of making or amending designations in the emerging Local Plan. In relation to ALS-D ARUP found that 'ALS-D provides the gap between Sileby and Cossington, preventing further ribbon development along Cossington Road and ensuring that the integrity of the gap is maintained. Arup did not recommend any alterations to the area of separation following their updated assessment.
 - b. Charnwood Landscape Capacity and Sensitivity Assessment Addendum prepared by LUC February 2021. (CD6.09) The report was commissioned by Charnwood Borough Council to assess housing sites that had been promoted to the Council through the Local Plan process in 2019 to 2020. The report assessed the land covered by the appeal planning application and found that it had overall low medium sensitivity (ep12) and the site plays a significant role in retaining the sense of separation between Sileby and Cossington directly to the

south (ep100). It is important to note that the report presented findings on the overall landscape sensitivity of site and was not stand-alone assessment of the effect on the ALS.

- c. The Charnwood Site Landscape Sensitivity Assessment by LUC July 2021.
(CD6.10) The sites that were considered in this report were those submitted to the Council for consideration for development as part of the regularly reviewed Strategic Housing and Employment land Availability Assessment (SHELAA). The application site is referenced as PSH474 Cossington Road, Sileby (p22-25) and an assessment of the development proposal was undertaken and concluded that development of this site would have a substantial and critical effect on the purpose of the ALS. It was not considered that the erosion of the ALS can be mitigated satisfactorily.

11. The Council's case is that there will be a significant narrowing of the gap on a broad front. The Landscape CBC consultation response (recorded in CD5.02): "Objects. The proposal would have a substantial effect on the purpose of the ALS-D and result in settlement coalescence notwithstanding the submitted illustrative masterplan indicating compartmentalised public space to the southern portion of the site. The site is the last significant area of open rural landscape between the two settlements and is as already stated characterised by an open expansive arable field. The proposal therefore is in conflict with policy CS11 which seeks to protect the landscape character of countryside as well as maintain separate identities of settlements. The proposals do not protect the existing landscape character that is typical for the character area of the Soar floodplain. The landform of the site as it rises to the east makes it prominent and particularly sensitive to change. The proposal would significantly alter the open rural characteristic and replace it with built form. This would have significant effect on landscape character and visual quality as well as the setting of the Charnwood Forest as viewed from the east."
12. Mr Higson, for the Council considered the effects on the ALS in s5 of his assessment at Appx 1 to his proof both in terms of actual and perceived reduction. In summary he found harm under both heads, but it is fair to say that the greater harm arises in respect of perception. In XX he rightly accepted that policy CS does not preclude development in the ALS gap, but that a judgment is called for as to whether separation is clearly maintained and the effectiveness of what land remains undeveloped in maintaining separation.

13. Mr Cook's case for the appellant is that in so far as perceived sense of separation is essentially unchanged. He says in his proof at#6.19: "In light of the above analysis, I consider that the actual physical separation between the two settlements in terms of the shortest distance would not reduce with the proposed scheme in place. The proposed housing would be located in the northern part of the ALS adjacent to Sileby. But this particular part of the ALS performs a role to a limited degree. The perceived sense of separation associated with the gap would not materially change with the proposed scheme in place. The purpose and integrity of the gap would remain with the scheme in place, and not materially harmed."
14. The Council submits that his focus on the "shortest distance" is misconceived and demonstrates the flawed nature of his approach. On that basis, the ALS would simply be a narrow band of the width of the shortest distance running east-west. To be fair to Mr Cook in XX he accepted that all of the ALS falls to be considered and that it will be reduced in area. So far as the perception of separation is concerned, when faced with the Updated Verified Views (ID7) in XX he accepted there would be perceptual "negative effects". We submit this still underplays the likely result.
15. In the end, this is a matter for a planning judgment which the inspector is now well equipped to reach.
16. Is preventing development in this gap consistent with the approach taken elsewhere in other ALS by the Council and inspectors on appeal?

Character and Appearance

17. There is a LSoCG (CD10.37) which notes:
 - a. Agreement as to the LVIA's methodology (#2.6).
 - b. That in the National Character Area 69 Trent Valley Washlands the strategy of conserve and enhance applies (LSoCG #7.1-7.4)
18. There is a dispute between Mr Higson and Mr Cook as to whether the appeal site is part of a "valued landscape" for the purposes of NPPF #174a).

19. Whether or not land is to be regarded as being part of a valued landscape is a planning judgment (it is agreed that the appeal site is not subject to a national designation or a local development plan designation). In exercising that judgment, Mr Higson explains (proof Appx 1, p25) that he has had regard in particular to the Landscape Institute's GLVIA (CD6.25) and, importantly its TGN 02/21 (CD6.28) which Mr Cook did not consider until his rebuttal. He explains why, after acknowledging that the NCA and LCA assessments report a generally medium landscape value, he finds that local variations present on the appeal site and its local setting cause it to be elevated to "valued" status. These are (proof 3.2.14) clear physiographical interest, setting to heritage assets and the contribution to the separation of Sileby and Cossington, and the harmonious combination of scenic components including the farmland function of the landscape. Although challenged in XX, he was not shifted from his view, which we submit is the correct judgment to reach.
20. But whether the appeal site is part of a valued landscape, which falls to be "protected", or is not (in which case it falls to be 'recognised') there is a huge difference between Mr Cook and Mr Higson as to what the effects of the development will be.
21. Both Mr Higson and Golby + Luck (the authors of the LVIA (CD1.09) which accompanied the planning application) assessed the impacts at site and site setting level, as well as against the LCA Soar Valley and NCA Trent Valley Washlands studies. Overall, they found a negative / harmful effect. But Mr Cook assess the effect will be positive / major beneficial (proof #4.20). For a landscape of which the baseline condition is not in any way distressed, that is an unusual conclusion to say the least.
22. The NCA assessment (CD6.29) includes arable areas as part of its key characteristics (p8) and that cereal farms form 25% (p27). It advises that (p18) development should avoid valley floors and bordering slopes (which we submit includes the appeal site). The LCA assessment (CD6.16) advises (p56) that development should be directed away from prominent locations on valley slopes (which again, we submit, includes the appeal site). All this was accepted by Mr Cook in XX.
23. We submit that it is evident that there will be a change in the character of the landscape from an arable field on rising ground to a mix of urban built development and public amenity space. The character of the land separating the two settlements will change from agricultural (which is typical) to peri-urban (which is not). This

change will not be in accordance with the landscape strategy of “conserve and enhance”.

24. Similarly, we submit that the visual impacts will be adverse. Appendix 2 to the LSoCG sets out the assessments of Mr Cook, Golby + Luck and Mr Higson. Once again, Mr Cook contends for beneficial effects whereas the other experts largely content for adverse impacts of varying degree.

25. In the final analysis, the inspector will reach a judgment. For the reasons given, if the appeal site is not to be “protected” as a valued landscape, then at the very least the impacts need to be ‘recognised’ in the planning balance and given due weight in accordance with the harm that will undoubtedly arise. As the inspector knows, the Council submits that the weight given should be ‘significant’.

Main issue: whether the proposed development would be in a suitable location having regard to the development plan and national policies.

The development plan

26. The development plan comprises:

- a. Charnwood Local Plan (saved policies) adopted in 2004 (“the LP”) (CD6.01).
- b. Charnwood Core Strategy (2011-2028) adopted in November 2015 (“the CS”) (CD6.03).
- c. The Sileby Neighbourhood Plan made on 16 January 2020 (“the SNP”) (CD6.13).

27. The parties have identified (SoCG s3) the policies identified in the reason for refusal and discussed them in their evidence. They are as follows.

28. CS1 - *Development Strategy* - (p30). This policy sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Sileby as a “Service Centre” a settlement that has access to a good range of services or facilities compared to other settlements. For development management purposes development is supported (in the sense that it requires a ‘positive response’) at Service centres which is “sustainable development”

and which is in accordance with other policies in the plan's strategy. Mr Gould notes (proof #6.6) that in terms of CS1's strategy: "In the period between the base date of 2011 and the latest full monitoring period of 31st March 2021 approximately 4,460 homes have been committed within Service Centre's, this is 45% more homes than planned for in the Core Strategy for Service Centre's. Moreover, of the 4460 homes already committed, 1,060 of these are at Sileby alone (23% of the allocation)." In terms of the strategy, therefore, Service centres have been playing their full part in meeting housing need, and so has Sileby. 3,000 was never intended to be a ceiling, but the minimum has been far exceeded. It is non-delivery in other parts of the strategy, particularly at the SUEs to higher order settlements, that have resulted in the current 5YHLS shortfall.

29. CS11 - *Landscape and Countryside* - (p68) seeks to maintain separate identities of settlements. The policy advises that it is intended to 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. It is agreed (Mr Cook and Mr Higson) that both "physical" and "perceived" separation fall to be considered. ALS have been a feature of plans in Leicestershire since 1979 (Mr Gould proof #6.18).

30. LP CT/4 - *Development in Areas of Separation* - sets out the policy context for the Areas of Local Separation identified on the policies map (in this case Sileby/Cossington). The policy states that on such areas development will be deemed acceptable wherein the location, scale and design of the development would ensure that (a) the predominantly open and undeveloped character of the area is retained, and b) the already narrow gap between settlements is not reduced. However, where there is any difference between the policy approach in CT/4 and CS11 then CS11 prevails (see s38(5) of the 2004 Act).

31. CS11 also provides the approach to protecting the character of the landscape by taking into account local character assessments. LP CT/1 - *General Principles for areas of countryside, Green Wedge and Local Separation* defines which types of development are acceptable in principle within areas of countryside and seeks to prevent significant adverse environmental impact. It is agreed that in this context both need to be read

having regard to NPPF #174. NDP policy G2 - *Design* provides that development which would have significant adverse effect on the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal.

32. LP ST/2 - *Limits to Development* - this policy sets out limits to development for settlements within Charnwood. They are updated at Sileby by SNP policy G1 - *Limits to Development* (p21-22) which states that outside of the defined limits, development will be “carefully controlled in line with local and national strategic planning policies”, save for development associated with agriculture, the provision of formal recreation or sport and finally, the provision of affordable housing through a rural exception site.
33. In principle, further housing development at Sileby is not contrary to the strategy for the area. The fact that it is proposed outside but adjacent to settlement boundaries / limits of development is not in principle fatal given the lack of a 5YHLS and that they were set having regard to a housing requirement that is not up-to-date. But, the Council says, there would be harm arising from the adverse effect on the perception of separation of Sileby and Cossington, together with harm to landscape character and harm arising from visual impact which means that the proposal should not be regarded as being in accordance with the development plan taken as a whole.

National policies

34. Identifying ALS in a local plan is consistent with the NPPF (Smedley in XX).
35. The approach to landscape protection (in this case for any ‘valued landscape’ accepted by the inspector) and recognition (for landscape that is not within the “valued” category) at NPPF # 174 is well understood. There is no difficulty with reading and applying development plan policy accordingly.
36. The Sileby NP is now more than two years old. NPPF #14 no longer applies.
37. The NPPF’s important presumption in favour of sustainable development is considered under the final main issue below.

The emerging Charnwood Local Plan (CD6.04)

38. The Council submitted the emerging Charnwood Local Plan (“eCLP”) (to meet the needs of the borough until 2037) for examination in December 2021. It is agreed that its policies attract “limited weight” in this appeal (SoCG #50 and Smedley in XX) and so they have not been considered in detail. Sileby remains designated as a service centre which are collectively to accommodate 14% of the housing to be delivered over the plan period (at least 2,747 units) and which have a track record of delivery (CD6.22, p38). Six sites have been allocated at Sileby (policy DS3, p35, sites HA53-58 and shown on the policies map at CD6.05) totalling 345 dwellings (the largest of which have resolutions to grant (see ID4)), and one site (HA59 - known to the inquiry as Humble Lane) at the neighbouring settlement of Cossington with an allocation of 124 dwellings (for which planning application P/20/2393/2 has a resolution to grant) (SoCG #49). This last allocation also identifies an extension to Cossington Primary School to meet the educational needs of new developments in Sileby and Cossington (see p60-63).
39. The rationale behind this local strategy is explained in the topic paper (CD6.22, #5.3, 5.6 and p37-38). The appeal site (known as PSH474) was considered but not selected. However, this part of the Borough will continue to play its part in meeting the need for housing through the plan-led system by development to the north-east and east of the village of Sileby. Expansion to the north, west and south is constrained by policy relating to flood-risk and the continuing need (as the Council sees it) for the ALS (which is proposed to be expanded to the west).
40. The appeal site remains part of a designated ALS under policy EV3 (p182). It is not one of the sites identified for allocation for development. The “predominantly open and undeveloped character” remained ‘protected’ and “the physical and perceptual separation between built up areas” is to be “clearly” maintained.
41. Ms Smedley confirmed in XX that there are outstanding objections when it comes to the continued inclusion of the appeal site within the ALS. But given that the appeal site is now within the ALS in the adopted plan means that it is not important to give weight to its continued inclusion by policy in the eCLP so far as the Council’s case is concerned.

Main issue: whether or not the proposed development makes adequate provision for affordable housing and other infrastructure requirements

42. The short answer is “yes”.

43. There is an agreed list of updated conditions (ID15) discussed at the inquiry.

44. The Planning Obligation is also in an agreed form (ID18). The Heads of Terms were proposed before the application was determined (CD2.07) and those requested were set out in the officer’s report (SoCG #23). They have been discussed and refined during the appeal process. There are issues between the County Council and the Appellant over education contributions that remain to be resolved, and the inspector has the necessary information to be able to do so. The same applies to the issue between the Clinical Commissioning Group and the Appellant over the Healthcare Contribution. The Planning Obligation contains the usual ‘blue pencil’ provision (Clause 4.2) - note that it requires the inspector to record that all obligations meet the statutory tests in reg 122 of the CIL Regulations (there is no ‘default’ assumption that they do); if any individual obligation is subject to the inspector’s ‘blue pencil’ this will not affect the validity and enforceability of those that are found to be reg 122 compliant.

45. So far as the LPA is concerned, the conditions on any grant of planning permission and the terms of the proposed planning obligation, will ensure that adequate provision will be made for affordable housing and other infrastructure (subject to the resolution of any outstanding disagreement between the Appellant and the County Council) and will overcome the second reason for refusal.

Main issue: whether or not any conflict with the development plan and harm arising is outweighed by other considerations

46. This main issue is couched in terms of the NPPF’s presumption in favour of sustainable development. The ‘tilted balance’ in NPPF #11d)ii is agreed to be engaged. The Council can only demonstrate a 3.34 year supply (SoCG #41). This was acknowledged at the time of the refusal of the application. The HLS position is about to be / has very recently been updated to a 3.23 year supply (see ID20).

47. The adverse impacts that fall to be considered are:

- a. ALS impacts (which are disputed - see above).
- b. Landscape character and appearance impacts (again disputed - see above).
- c. Loss of best and most versatile agricultural land (which is agreed - see SoCG #79).

48. The benefits agreed are (SoCG #89):

- a. Provision of market housing - up to 119 units. This is a matter to which Mr Gould ascribes “significant positive weight”.
- b. Provision of 30% affordable housing - up to 51 units. This is a matter which merits significant weight.
- c. The development is at a Service Centre and within walking and cycling distance of a range of services and facilities (SoCG #53-58). This includes primary schools.
- d. Economic (SoCG #68). Mr Gould at #7.3 in his proof gave it “limited weight” (but in oral evidence he described it as “moderate”).
- e. Bio-diversity net gain (SoCG #85). Mr Gould at #7.5 gave it “moderate weight”.

49. Some benefits are disputed (SoCG #93) whether as a matter of principle or of weight:

- a. New green infrastructure for existing residents. Mr Gould at #7.6 explains his reasons for giving it “moderate weight”.
- b. Landscape improvements by planting on the proposed open space are not accepted as a significant benefit (see under the first main issue above). Nor are the claimed improvements to the settlement edge. The inspector has had the benefit of considering the current settlement edge on the site visit.
- c. The (separate) benefit claimed by locating housing development within walking distance of primary schools is ‘double-counting’ (it has already been counted at sub-paragraph c above).

50. The Appellant and LPA disagree as to whether the adverse impacts significantly and demonstrably outweigh the benefits. But in that context Mr Gould (proof #8.4) acknowledges that restrictive policies should not be applied too robustly.

51. Axiomatically, the outcome of this main issue depends on a series of planning judgments. The adverse impacts need to be identified, and the benefits. But although

there are undoubted benefits in adding to the supply of deliverable sites for housing it is highly relevant to consider, in finally fixing the weight to be attached to them, for how long the undesirable state of affairs of a sub-5YHLS position is likely to persist (Ms Smedley in XX). If the answer is “not long, and the LPA is actively addressing the matter” then the benefit of further adding to the housing land supply would be deserving of less weight than if the answer is “ages, and the LPA is not taking any meaningful steps to address the issue.” There are two stands of action that have been taken by the Council.

52. First, the Council has submitted a new local plan for examination. It contains, as one would expect, allocations and policies to meet the up-to-date housing needs of the borough in the period 2021 to 2037. When the examination of that plan is concluded, there is no reason to doubt that the Council will, once again, be able to demonstrate the required 5YHLS. When will that be? There are a number of hypothesis:

- a. The Local Development Scheme forecasts December 2022 or January 2023. It is fair to say that this has not survived the scrutiny of the inquiry process.
- b. Mr Gould opines this is unlikely to be achieved. In his estimation May 2023 is a more reasonable and achievable timeframe. He accepted (in XX) that there was a range of reasonable opinion on this issue and it could be later.
- c. Ms Smedley expressed her views in XX (she was not invited to do anything other than offer a critique of Mr Gould’s hypothesis in EiC):
 - i. The examination is underway; oral hearings are fixed for, and are likely to take place in, June and July 2022. It would be reasonable thereafter to expect the inspectors to recommend main modifications for consultation. On the basis that no further oral hearings were required, the inspectors’ final report could be expected allowing adoption in 12 months’ time. The plan would therefore be adopted in line with Mr Gould’s assessment.
 - ii. However, if as part of the main modifications new sites not previously identified were required (either to meet local need or to meet unmet need in Leicester) then further hearings might well be required, and this would be likely to delay adoption by a further 6 months.
 - iii. She did not offer any alternative hypothesis in XX.
- d. In ReX it was suggested to Ms Smedley that the examination of the plan might suffer a much more lengthy delay (akin to that at Cheshire East, Warwick or Stratford). But in that sort of case there was a serious issue over the nature of

and basis for the housing need / requirement figures - the sort of issue which the 'standard method' assessment of need was introduced to avoid. Ms Smedley was not able to point to anything sufficiently specific.

53. The evidence is that the range of 'reasonable opinion' is for likely adoption within 12 to 18 months. This means that in the planning balance, it is a material consideration to take into account that the undesirable current state of affairs in which the Council is unable to demonstrate a 5YHLS is likely to persist for another 12 to 18 months.
54. The second action the Council has been taking is to grant planning permissions (or resolving to do so) on windfall sites and, in particular, on sites identified for allocation in the eLP. It is quite clear that the cause of the HLS 'problem' is the failure of the allocated SUEs at strategic settlements to come forward when planned. However, developers are now on-site at two of the three SUEs which are expected to give rise to completions in the 'housing year' just started. Significant progress has been made at the third SUE; planning permission has been issued and development is estimated to begin in the third quarter of 2022. There is some confidence now that the SUE strategy is at last bearing fruit.
55. It is accepted that if granted permission the appeal site would be likely to deliver completions within 5 years - a national house-builder with a proven track record is on-board which is willing to accept a truncated time-scale for the submission of 'reserved matters'. But these completions will come after the adoption of the eLP and alongside delivery at the SUEs and the allocated sites at Sileby and Cossington.

Conclusion

56. The proposed development is contrary to the development plan taken as a whole. This is the starting point. However, the 'tilted balance' is engaged indicating that planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.
57. There is a current shortage of deliverable sites for housing. That situation will not be remedied until the eCLP is adopted. But the appeal site has been kept open and undeveloped as an ALS for many years and through many iterations of the development plan. The LPA contends that is not the site on which to develop in response to a short-

term need for additional land for development. In this case the adverse impacts do indeed significantly and demonstrably outweigh the benefits.

58. Accordingly, the Council submits that the appeal should be dismissed.

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