

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

OPENING STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

1. This appeal concerns the refusal by notice dated 17/9/21 (CD5.01) of an outline planning application for the development of up to 170 dwellings. Details of the main point of access from the highway (Cossington Road) are submitted for approval (and are acceptable - see SoCG #61-63); all other matters are reserved.
2. The appeal site is currently a single arable field of 10.17 ha. The illustrative masterplan accompanying the application (CD1.03) showed 4.29 ha of developed land, 0.32 ha for water attenuation and 5.88 ha of public open space / structural landscaping. The most recent illustrative masterplan is that at CD2.06; there has been some addition of detail, but the 'split' between proposed built form in the north of the appeal site and the green infrastructure in the south remains as before.
3. The 2nd reason for refusal ("RFR") concerned the lack of an executed planning obligation. That matter is now dealt with as a main issue. So far as the matters for which the LPA is taking the lead there remains nothing outstanding. The County Council has raised matters concerning education contributions and has submitted evidence to which the Appellant has responded. These matters remain to be resolved.
4. The 1st RFR can be conveniently broken down as follows:
 - a. "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."
 - b. [There would be] "a significant harmful impact to the 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.”

- c. “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.”
 - d. [There would be] “a significant harmful impact to the character of the countryside”.
 - e. “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.
 - f. In combination these harms are considered to significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.”
5. The borough has a 3.34-year housing land supply with a base date of 31/3/21 (CD6.14). The adopted development plan foreshadowed delivery of a minimum of 3,000 dwellings at the Service Centres such as Sileby. There are 4,460 already delivered or committed of which 1,060 are at Sileby. In terms of the strategy, therefore, Service Centres have been playing their full part in meeting housing need over the current plan period, 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 that have resulted in the current HLS shortfall.
6. A 5-year supply is unlikely to be achieved until the emerging Charnwood Local Plan (CD6.04) (“the eCLP”), submitted for examination in December 2021, is adopted. Adoption is currently anticipated in the Local Development Scheme as being in Q4 2022. No doubt this inquiry will consider whether this is optimistic or not.
7. Both parties have prepared their evidence to address the four main issues identified in the PINS post-CMC note.
8. There is no doubt that if the development were to be assessed only against the development plan, this appeal would be dismissed. The appeal site lies outside the settlement boundaries and in an area designated as an Area of Local Separation (“ALS”) where development is restricted. But the boundaries were set against a housing requirement that is no longer up-to-date, and that, together with the 3.34-

year HLS, means that the ‘tilted balance’ in NPPF #11d)ii is engaged. Sibley’s place in the settlement hierarchy means that in principle it is a suitable place for development. Indeed, the eCLP proposes further housing allocations on six sites at Sibley totalling 345 dwellings and 124 on one site at Cossington. But the appeal site is not allocated for development; its designation as an ALS remains (CD6.05).

9. In terms of suitable access to services and facilities, the appeal site is ‘locationally’ sustainable.
10. There is a dispute between the parties as to the impact of the proposed development on the character and appearance of the area and the ALS. That dispute is at the heart of the issues to be determined at this inquiry. Unusually, the dispute is not over degrees of ‘harm’. In written evidence Mr Higson for the LPA opines that there will be adverse impacts, but Mr Cook, for the Appellant, appears to contend that the effects of the development will be neutral to beneficial. There is also a dispute as to whether the appeal site is a “valued landscape” as defined in the NPPF.
11. 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).
12. In terms of the outcome of the tilted balance the main parties are on opposite sides. The LPA maintains the position set out in the RFR, that the adverse impacts do significantly and demonstrably outweigh the benefits. As well as the disagreement on the adverse impacts, there are some differences on the weight to be given to the various benefits.
13. 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 make up for a short-term need for additional land for development.