
Appeal Decision

Inquiry opened on 17 January 2017

Site visits made on 23 and 25 January 2017

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2017

Appeal Ref: APP/G2435/W/16/3150237

Land off Hall Lane, Whitwick, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jelson Limited against the decision of North West Leicestershire District Council.
 - The application Ref 14/00800/OUTM, dated 27 August 2014, was refused by notice dated 1 March 2016.
 - The development proposed is residential development and associated infrastructure.
 - The inquiry sat for 5 days on 17 to 24 January 2017.
-

Decision

1. The appeal is dismissed

Procedural matters

2. The application is in outline form with all matters other than means of access to the site reserved for future determination. The Statement of Common Ground (SoCG) states that the proposal is for up to 216 dwellings. Detailed plans were submitted showing the two vehicular accesses from Hall Lane and Torrington Avenue respectively together with illustrative plans showing a site layout.
 3. Following the refusal of planning permission an Air Quality Assessment was submitted to the Council on 18 August 2016. Having reviewed this assessment the Council concluded that it satisfactorily addressed the issue of air quality and advised the appellant that it did not intend to offer any evidence in respect of the second reason for refusal. Air quality is the subject of a separate, agreed, planning condition and I am satisfied that the imposition of this would overcome the second reason for refusal.
 4. Before the close of the Inquiry the appellant submitted a completed Agreement under s106 of the Act. This Agreement was signed by the appellant and both the District and County Councils. Subject to finding the various elements to be compliant with the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs) the Agreement makes provision for affordable housing, travel packs and a travel plan, bus stop improvements, civic amenity facilities, open space including National Forest planting, schools, highway improvements, police, and libraries.
 5. Following the close of the Inquiry, the Leicester and Leicester Authorities and the Leicester and Leicestershire Enterprise Partnership published the Housing & Economic Development Needs Assessment: Main Report (G L Hearn, January
-

2017) (HEDNA). On 7 February 2017 the Government issued the Housing White Paper "Fixing our broken housing market". The parties were given the opportunity to comment on these publications. At the request of the parties this was carried out by an exchange of written representations.

Main issues

6. The main outstanding issues are:

- Whether the Council is able to demonstrate a 5-year supply of housing against a full objective assessment of housing need (FOAN) and the implications of this in terms of national and local policy;
- The weight that should be given to Policy E20 of the adopted Local Plan and Policy En5 of the emerging Local Plan;
- The effect of the proposals on the character of the area and, in particular, on the Green Wedge separating Coalville from Whitwick;
- Whether the proposals make adequate provision for community and other services and facilities including affordable housing; and
- The planning balance: Whether the proposals comprise sustainable development as defined in the Framework and whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Reasons

Background

The appeal site and its setting

7. The site, which is of irregular shape and has an area of about 16.6ha, is situated to the south west of Hall Lane and Tiverton Avenue, Whitwick. It comprises three fields used for arable farming that are separated by hedges and occasional trees. It is almost flat with a slight slope downhill from south east towards the north west; the south eastern corner is the highest part. It is surrounded by fields to the west and north west; by Hall Lane to the north east; and by dwellings in Tiverton Avenue to the east. Immediately to the south lies Coalville Rugby Club with a pavilion, pitches, floodlights and a car park. Adjacent to the site entrance is land used by Able Riders as a motorcycle training centre and for the siting of a number of enclosed skips or containers.
8. There is a field access from Hall Lane and the closed end of a cul-de-sac, Torrington Avenue, abuts the site. There are informal paths around the field boundaries and to the rear of Tiverton Avenue properties. These latter properties are mostly single storey, some with rooms in the roof, that are set about 0.5m above the level of the fields and which, due to limited rear boundary fencing, have long views over the site and the open land beyond.
9. The site is located on the eastern boundary of a large, almost rectangular, area of open farmland that separates Whitwick from Coalville. This wider area, together with two further parcels of land to the west, is designated as a Green Wedge in the development plan. This section of the Green Wedge is crossed by several public footpaths, a disused railway line in use as a footpath and a road, Green Lane, which is a cul-de-sac whose southern end is a public footpath and

a private road. This road serves a pair of semi-detached houses and a farm in use as kennels. Within this section of the Green Wedge are two areas of newly planted woodland, the Harold Smalley Wood and the Thomas Ashford Wood.

10. The western boundary of the Green Wedge is formed by Stephenson Way (A511), a busy main road that serves as a bypass for Coalville town centre. To the north are houses in Hermitage Road and to the south are dwellings in Broom Leys Road and the Coalville Community Hospital.

Planning history

11. The appeal site formed part of a much wider site (about 74ha) known as the Stephenson Green site that was the subject of an outline planning application¹ for “*Residential development, village centre (including primary school, retail, business and other uses [classes A1, A2, A3, A4, A5, B1, D1 healthcare and D2 community facilities], public open space, recreation areas, play areas, woodland planting and associated infrastructure including roads, sewers and water storage ponds*” in 2010. The illustrative masterplan indicated a total of 1,420 dwellings of which 280 would be affordable units. An appeal against the Council’s failure to determine the application within the prescribed period was dismissed by the Secretary of State (SoS) in August 2012². A subsequent High Court Challenge to that decision was dismissed in October 2013³.

The proposals

12. The planning application was submitted in outline with all matters of detail other than vehicular access into the site reserved for future determination. The main access would be from Hall Lane with a secondary access from Torrington Avenue. A footpath link to Perran Avenue would be provided. An indicative masterplan shows that the site could accommodate about 216 dwellings and at the Inquiry the appellant confirmed that the proposal is for up to 216 dwellings.
13. The developable area of the site extends to about 9.9ha with the remainder (about 6.7ha) being used for open space of which 30% would comprise National Forest planting. The scheme provides for 20% of the dwellings to be affordable units (about 44 units). The proposals include a children’s play area, formal and informal open space with a perimeter footpath, a multi-use games area and sustainable drainage features.

Planning policy

14. The development plan comprises the saved policies in the North West Leicestershire Local Plan (adopted 22 August 2002) (the LP). It was intended to cover the period up to 2006. The emerging plans include the North West Leicestershire Local Plan 2015 (the ELP) which covers the period to 2031. The ELP was submitted for examination on 4 October 2016. The Hearing Sessions for the Examination in Public (EiP) commenced on 5 January 2017, adjourned on 16 January and continued in March 2017.
15. A number of policies in the LP and ELP were referred to at the Inquiry. The reason for refusal only cites LP Policy E20. This is a restrictive policy that says that development will not be permitted which would adversely affect or

¹ Application reference 10/01208/OUTM

² Appeal reference APP/G2435/A/11/2158154 dated 20 August 2012

³ *William Davis Ltd & Jelson Ltd v SoSCLG & North West Leicestershire District Council* [2013] EWHC 3058 (Admin) 11 October 2013

diminish the present open and undeveloped character of the Coalville-Whitwick- Swannington Green Wedge. It identifies the uses that are appropriate in the Green Wedge; these uses do not include housing. It adds that any built development in the Green Wedge will be limited to ancillary minor structures and facilities.

16. Paragraph 4.77 of the LP sets out the aims of the Green Wedge, of which only aim (a) is relevant. It seeks to protect structurally important areas of open land which influence the form and direction of urban development, prevent coalescence and maintain the physical identity of adjacent settlements.
17. In the ELP the Green Wedge is renamed an Area of Separation. ELP Policy En5 refers specifically to the land between Coalville and Whitwick and says only agricultural, forestry, nature conservation, leisure and sport and recreation uses will be allowed. It adds that development will not be permitted which, either individually or cumulatively, would demonstrably adversely affect or diminish the present open and undeveloped character of the area.
18. The SoCG says that the proposals comply, or have the potential to comply at reserved matters stage, with all the relevant development plan policies except Policy E20 and all the ELP policies except Policy En5. It further states that the parties are agreed that LP Policy E20 is a policy that is relevant to the supply of housing for the purposes of paragraph 49 of the National Planning Policy Framework (the Framework).

Whether the Council is able to demonstrate a 5-year supply of housing against a FOAN and the implications of this in terms of national and local policy.

19. There is disagreement between the parties concerning the Council's five-year housing land supply. The matters in dispute concern the requirement (the FOAN); whether the buffer should be 5% or 20%; and the available supply of deliverable sites.
20. The Council say the five-year housing land supply requirement (2016-2021) is 520 dpa, which with the shortfall (170 dwellings) added and a 5% buffer gives a requirement of 2909 dwellings (582 dpa) against a supply of 3975 dwellings (6.83 years). The appellant says that the requirement is 664 dpa, considers the shortfall to be 962 dwellings, and applies a 20% buffer. This gives a requirement of 5,138 dwellings (1028 dpa) against a supply of 2,894 dwellings (2.82 years). Various tables were produced, using the different figures, which demonstrate the differences between the parties (ID 29).
21. The 2017 HEDNA reduces the five-year housing land requirement from 520 dpa to 481 dpa. However, the contents of this HEDNA were not tested at the Inquiry. It will be first tested at the EiP for the North West Leicestershire Local Plan; the outcome of this will not be known for some time. It is possible that the Local Plan Inspector, when he has considered the unresolved objections, will conclude that the HEDNA is flawed. In these circumstances there are some parallels with the advice in paragraph 215 of the Framework concerning the weight to be given to emerging plans. While this document clearly does not form part of the development plan, the considerations are similar. I have therefore only given it very limited weight and based this Decision on the evidence given and tested at the Inquiry.

Requirement (FOAN)

22. The Planning Practice Guidance (PPG)⁴ advises that establishing the need for housing is not an exact science and that no single approach will provide a definitive answer. The starting point estimate of FOAN is provided by the DCLG household projections.
23. The approaches of the parties were quite similar in that they both started out from the DCLG's 2014-based Household Projections (314 dwellings p.a.) and used the ELP period 2011-2031. They placed reliance on long-term migration patterns and adjusted the headship rates of the 24-35 age group and used a similar scale of jobs growth. The main differences related to commuting, with particular regard to the East Midlands Gateway Strategic Rail Freight Interchange (EMG); economic activity rates; and the role of affordable housing.

Commuting & Economic activity rates

24. The PPG explains how employment trends should be taken into account, making reference to assessing the likely change in job numbers⁵. The appellant, referring to the JGC Report⁶ says it assesses the likely level of housing required to deliver the PACEC economic forecasts and then the level of housing needed to support the EMG. The PACEC forecast does not result in any need to increase delivery above that in the demographic stages of the assessment. The EMG, however, does increase need by around 100 dpa. The Council considers that around 20% of the EMG employees may move to this District; the appellant gives a much higher figure of almost 50%.
25. While the appellant considers the JGC approach to be flawed, I am not convinced that the approach is unreasonable. I acknowledge the need to adjust the FOAN to try to prevent unsustainable commuting patterns. However, I do not consider that the comparison with Stratford-upon-Avon is appropriate as the conditions surrounding the EMG seem to be very specific to this area. Its location on the edge of the District within easy travel distance of a number of major settlements is an important consideration.
26. The EMG will provide a significant number of new jobs, an estimated 7,272, but the site sits right on the very periphery of this District and is affected by three different travel to work areas. This issue was considered at some length in the Examining Authority's Report (EA) to the SoS for Transport who, in paragraph 39 of his Decision, agreed with the EA that the generation of employment would be unlikely to lead to substantial additional housing requirements in the locality. It seems reasonable to conclude that a significant number of the job opportunities would be accessible to residents outside this District. I see no reason to depart from the conclusions of the EA who found little evidence to show that the jobs created would lead to substantial additional housing requirements in the locality beyond those expected to be provided in local plans. The EA concluded that the impact on housing demand would appear to be broadly neutral. I do not consider that the approach of the Council has been unreasonable in respect of commuting issues.
27. The parties relied on differing approaches to economic participation, respectively using the Office for Budget Responsibility (OBR) and Experian

⁴ ID:2a-014-20140306

⁵ ID:2a-018-20140306

⁶ Review of Housing Requirements (2011-31) (April 2016) J G Consulting

calculations. As with other aspects of calculating FOAN, neither approach is evidently superior to the other. The OBR figures are national ones that need to be adjusted to reflect local circumstances. The assumptions for economic activity by OBR are, generally, less optimistic than Experian and certainly less optimistic than Oxford Economics.

28. It is not entirely clear why the appellant did not use the Oxford Economics assumptions throughout as they were used for the baseline assumptions. The OBR calculations, with lower levels of economic activity, would be likely to result in a need for further housing supply to provide labour for the new employment opportunities and reduce the need for in-commuting, which is already high in this District. While the Council's approach is at the optimistic end of the range of assumptions, I am not convinced that the approach is unreasonable. Nonetheless, the overall in-commuting rate is high with only 86 local workers for every 100 jobs. This reflects a need for additional housing in the District.
29. Taken together with commuting, the appellant calculates that economic growth is likely to result in a need to deliver 664 dpa over the period 2011-2031 and that the FOAN should be increased to deliver this. Given my conclusions in respect of EMG, I conclude that this figure significantly exaggerates the need.

Affordable housing

30. The net need is calculated to be 212 dpa; that is agreed. At a delivery rate of 17%, which is the historic delivery rate, that amount of affordable housing would require a completion rate of 1,240 dpa; at a rate of 25% it would necessitate almost 850 dpa. Both these completion rates are well in excess of the respective FOANs of 664 dpa (appellant) and 520 dpa (Council). I also accept that the completion rates for the last two years, 676 and 643 dwellings respectively, not only fail to deliver sufficient affordable housing but are in line with the appellant's FOAN. It is also close to the mid-point FOAN (637 dpa) identified by the appellant in the Greenhill Road Inquiry⁷, which the Inspector accepted to be reasonable and robust. That evidence and Decision, however, preceded the J G Consulting Report of April 2016 and so are out-of-date.
31. The appellant has calculated a demographic need for 435 dpa and added 15% adjustment to take account of market signals, the economy and affordable housing. Even using these higher figures in the appellant's FOAN there would still be a shortfall in affordable housing provision, but a significantly higher figure would not be likely to be deliverable given past completion rates in the District. Using the Council's final figure of 520, there would be an even greater shortfall in affordable housing. Nonetheless, this is a subjective issue and while the appellant's figures provide for more affordable housing, there is no requirement to meet the affordable housing need in full. In these circumstances I am satisfied that the Council's calculations are sufficiently robust for the purposes of a s78 appeal.

Buffer

32. The second bullet point of paragraph 47 of the Framework says that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of housing with an

⁷ APP/G2435/W/15/3005052 Land south of Greenhill Road, Coalville (5 January 2016)

additional buffer of 5%. Where there has been a record of persistent under delivery of housing they should increase the buffer to 20%. The delivery has to be tested against the Council's annualised requirement for the relevant years based upon the actual requirement as now calculated and not against any previous figures.

33. The most recent appeal decision in which this matter was considered in detail was Moira Road⁸ (ID3). The Inspector considered that looking back 5 years to assess the record of past delivery was reasonable and concluded that this assessment demonstrated persistent under delivery and that a 20% buffer was appropriate. Two subsequent appeal decisions were considered, Lower Packington Road⁹ (ID4) and Greenhill Road (CD-AD2) in which both parties accepted that a 20% buffer was appropriate.
34. Circumstances have not changed significantly since these Decisions. While the term "persistent under delivery" is not defined in the Framework, persistent means the continued or prolonged existence of something. Given the normal length of economic cycles there would need to be very specific circumstances to justify going back as far as 1991. In this case it seems reasonable to look back over the past 10 years as during this period the requirement has been almost static at 510/ 520 dwellings per year. The Council has only met its requirement in the most recent two of those 10 years. While this shows an upturn in delivery, the fact that there was under delivery in each of the eight preceding years is determinative and to my mind represents persistent under delivery. A buffer of 20% is still appropriate.

Supply

35. The appellant considers that the Council has over-estimated the supply for the period 2016/17 to 2020/21 by 1081 units. The disagreements relate to 11 sites and the contribution made by small sites. The 11 sites include 6 with planning permission, 4 with resolutions to grant permission and one site allocated in the adopted LP. These sites are considered in turn, in the same order as set out in the revised Housing Land Supply Analysis Summary (ID28).
36. *Money Hill, Ashby* (NWLDC 350 dwellings: Appellant 205). There is no dispute about the first two years in which delivery of 70 units by Miller Homes is agreed. The appellant considers that while there are no obvious barriers to development, the Council's position on timing is over-optimistic and that the first dwellings will only come on-stream in the middle of year 4 giving only 1.5 years' delivery. The Council considers that delivery will commence over a year earlier. That position is rather less optimistic than the developer who says that ideally development would commence in mid to late 2017 with a delivery rate of 130 dwellings per year from 2 outlets in addition to the affordable housing.
37. Due to the amount of pre-commencement work that needs to be completed it seems the timescale put forward by the developer is unlikely to be achieved and I consider it wise for the Council to adopt its more precautionary approach. The necessary agreement, reserved matters and other issues should be capable of resolution such that it is reasonable to plan for development commencing in Year 3. I conclude that the Council's position is reasonable.

⁸ APP/G2435/A/13/2192131 Land south of Moira Road, Ashby-de-la-Zouch (30 May 2013)

⁹ APP/G2435/A/14/2217036 Lower Packington Road, Ashby-de-la-Zouch (28 October 2014)

38. *Land north/south of Park Lane, Castle Donnington* (NWLDC 140: Appellant 0). The appellant claims that viability is the key issue for this site and that public sector financial support is needed. The agent for the developer says that a start is anticipated in mid 2017 with first legal completions one year later and that there will be two points of sale with an assumed 36 units off each. The agent says they are not reliant on public sector funding. With no viability evidence it is not possible to come to any conclusions on that issue. An application to vary a condition concerning the delivery of the first phase of the relief road has been submitted and is undetermined. However, the condition permits the delivery of 75 units in advance of this and only 70 dwellings are assumed for the first 4 years. The outline planning permission is for 895 dwellings. Due to the developer's assurance regarding the need for public sector funding, 140 units in the first 5 years does not seem excessive.
39. *Land r/o Jackson Street/ Wentworth Rd, Coalville* (NWLDC 60: Appellant 0). This site also has viability issues for which no details have been provided. The outline permission is for 130 units and a reserved matters application has been submitted. The developer, Taylor Wimpey, is now redesigning the scheme with a view to bringing it forward in 2019 with 30 dwellings per year. In the light of the developer's assurances on commencement, it seems reasonable to accept the estimate of 30 dwellings per year in years 4 and 5.
40. *North of Standard Hill, Coalville* (NWLDC 100: Appellant 0). Once again the appellant's concerns on supply relate to viability despite the agent for the developer confirming that there are no viability issues. The site has outline planning permission for 400 units and a reserved matters application for Phase 1 (79 dwellings) has been made although it remains undetermined. Progress on this site has remained slow since outline permission was granted and I am not convinced that the full 100 dwellings anticipated by the Council will be delivered in the time period. There seems no reason as to why the Council should not include Phase 1 in its supply, however, which is 79 units.
41. *South east Coalville* (NWLDC 435: Appellant 120). This comprises two sites, South East Coalville and Bardon Grange which have an estimated combined capacity of about 3,500 dwellings. While identified for housing for many years development has yet to commence. There are a number of issues in respect of the first site including viability and ownerships as well as the capacity of the electricity supply. Up to 600 dwellings can be provided prior to the link road and it seems that 300 dwellings can be delivered prior to the reinforcement of the electricity network.
42. While the agent for the developer has indicated that delivery will commence in 2017 and that 435 will be delivered within 5 years, this is caveated by stating that delivery will "very much depend on the market". The delivery of 130 dwellings per year is very high for this market. Given the long period that this site has been identified for housing, such a sudden high level of delivery seems unrealistic. I am inclined to agree that the more modest expectations of the appellant are more likely, providing 60 dwellings per year in years 4 and 5.
43. *Waterworks Road, Coalville* (NWLDC 50: Appellant 0). This Council-owned site is allocated for housing in the LP and is a proposed allocation in the ELP. No planning application has been made, but the Council confirmed that the land is surplus to requirements in October 2016. The site can be accessed over Council-owned land and it can accommodate 95 units. It is proposed to seek

planning permission by mid-May 2017 and market the site in August 2017. This timetable would realistically enable the anticipated delivery of dwellings in years 4 and 5 to be achieved. I am not aware of any insuperable obstacles to its development and the Council's figure is realistic.

44. *Land south of Greenhill Road, Coalville* (NWLDC 126: Appellant 81). The site has the benefit of outline planning permission for 180 dwellings and the Council is in dialogue with a house builder. The Council's estimate that delivery will commence in year 2 seems optimistic as no reserved matters application has yet been submitted. I agree with the appellant that the site can be expected to commence delivery in year 3, but with 18 units in the first year rather than 9 making a total of 90 units in the 5-year period.
45. *West of High Street, Measham* (NWLDC 60: Appellant 0). An outline planning application for up to 450 dwellings was made in 2013. The development includes the reinstatement of a 1.1km section of the Ashby-Measham Canal and associated works. The Council resolved to grant planning permission in September 2014 subject to a s106 Agreement; this was only completed recently and the planning permission is dated 21 December 2016. There is developer interest which is on the basis that the enabling works, including the canal, have been undertaken by the site owners. Public sector funding for the canal is being pursued but is not assured. I do not consider that it is realistic to include this site in the supply.
46. *Land south of Drift Farm, Blackfordby Lane, Moira* (NWLDC 18: Appellant 0). The s106 Agreement is now in place and outline planning permission has been granted. The agent has recently confirmed that a reserved matters application will be submitted by the end of February 2017 and that the landowner intends to build the development. In these circumstances the site can reasonably be considered to be part of the supply.
47. *Worthington Lane, Newbold* (NWLDC 16: Appellant 0). The site is the subject of a resolution to grant planning permission subject to the applicant entering into a s106 Agreement. According to the appellant the site is not being offered for sale and there is currently no developer involvement. I have seen no evidence to show that the landowner has expressed an intention to either develop the site or sell it. I do not consider that it can reasonably be considered to be available for development.
48. *Butt Lane/ Hepworth Road, Woodville* (NWLDC 70: Appellant 0). The planning consultant for the landowner has recently confirmed that the s106 Agreement is nearing completion; there is currently a resolution to grant for 91 dwellings. There has been developer interest in the site which is being promoted for development. The delivery of 70 units over the next 5 years seems achievable with a relatively modest delivery rate.
49. Concerning the contribution of *small sites* (NWLDC 373: Appellant 311), the Council has taken all the sites with planning permission for fewer than 10 units and applied a discount of 10% for non-implementation. The appellant has applied a discount of 25% to the same figure. While the appellant's total is similar to the average figure achieved over the past 5 years (63 dwellings per annum), this seems to be a matter of chance given the large variation in the annual figures (between 49 and 130 units). I have no evidence to show that the Council's figure is not realistic. I acknowledge that this is an unreliable

source of supply and that it only covers the first 3 years. No allowance has been made for windfalls so it is likely to be a conservative figure.

50. Overall, therefore, I consider that the Council has been unduly optimistic in respect of a few sites but generally it has demonstrated that most sites are deliverable within 5 years. Most of the anticipated rates of delivery, which are those supplied by the developers themselves, appear reasonable. Using the above conclusions in respect of each of the disputed sites and the figure for small sites, I calculate that the Council's five-year housing land supply figure should be reduced by 432 units to 3,543 dwellings.
51. The Council's requirement of 520 dwellings per year (2,600 dwellings over 5 years), with a 20% buffer (554 dwellings), and adding in the shortfall in 2011-2016 (170 dwellings), results in a 5 year requirement of 3,324 dwellings¹⁰. Taking account of the downward adjustments I have made arising from reducing the delivery of several of the above sites, the deliverable supply is 3,543 dwellings¹¹. This would give a supply of about 5.33 years. Even with a reduced supply from small sites in accordance with the appellant's estimate, there would still be a supply in excess of 5 years (5.23 years). I conclude on the first issue, therefore, that the Council can demonstrate a supply of deliverable housing sites in excess of 5 years.
52. The policy implications of this are that for the purposes of paragraph 49 of the Framework the relevant policy, in this case LP Policy E20, for the supply of housing should not be considered out-of-date due to the lack of a five-year housing land supply. That does not, of course, mean that Policy LP E20 cannot be out of date for other reasons. The weight that should be given to this policy is considered below.

The weight that should be given to Policy E20 of the adopted Local Plan and Policy En5 of the emerging Local Plan.

53. LP Policy E20 is the only development plan policy cited in the defended reason for refusal. This policy, and the definition of its boundary, dates from the 2002 LP although the principle of Green Wedges was proposed in The Leicestershire Structure Plan (1994). The Green Wedge between Coalville and Whitwick is in three parts, these parts being separated from one another by fingers of ribbon development either side of Heritage Lane and Thornborough Road. In total the Green Wedges cover some 450ha.
54. The 1998 Inspector's Report into Objections to the LP considered this Green Wedge and concluded that the Green Wedge between Coalville and Whitwick was structurally important and, in respect of land off Hall Road, concluded that it should not be deleted from the Green Wedge. As part of the development plan review the Council produced the Background Paper: Green Wedge Study (November 2008). This stated that the Green Wedge designation could "no longer be justified". The basis for this conclusion was that the Green Wedge only met, at best, two of the Structure Plan criteria for Green Wedges and even then only partially.
55. The Background Paper went on to say that this did not mean that the land covered by the Green Wedge should be allowed to be developed or used for some other purpose. It also said that the Green Wedge did satisfy some

¹⁰ $((520 \times 5) + 170) \times 1.2 = 3,324$

¹¹ $3,975 - 432 = 3,543$

aspects of the Strategy Policy in that it prevented the complete coalescence of Coalville and Whitwick.

56. A further Green Wedge Background Paper (May 2012) considered each of the three parts of the Green Wedge individually. In respect of this eastern part it concluded that the land serves to maintain separation between Coalville and Whitwick. It has strong public support and the area would be justified as an Area of Separation and recommended its re-designation as such.
57. The concept of Areas of Separation already exists in the adopted LP with Policy E21 relating to the separation of settlements. It says that in areas so identified development will not be permitted which would result in a reduction in the physical separation between various identified built-up areas. The Leicestershire Structure Plan 1991-2006 contained a policy on the separation of settlements which related to areas where the Green Wedge policies do not apply and which cannot properly be designated as countryside.
58. LP Policy E21 is less prescriptive than LP Policy E20 but the objective of maintaining the physical separation of the settlements is common to both. In the ELP, this Green Wedge is designated as an Area of Separation and is subject to Policy En5. The policy seeks to resist development that would adversely affect or diminish the present open and undeveloped character of the area. The supporting text, at paragraph 10.43, says that the area performs a very important role in maintaining the physical separation between Coalville and Whitwick.
59. I have taken into account the conclusions of The Honourable Mrs Justice Lang in the *William Davis* case¹² on this site when, at paragraph 39, she states that in her judgement the Inspector and the SoS made a legitimate planning judgement when they concluded that Policy E20 remained relevant and was not out-of-date. That judgement, however, is no longer the most up-to-date judgement on this matter as the Court of Appeal has now clarified what is meant by "a policy for the supply of housing" as referred to in paragraph 49 of the Framework.
60. In its judgement on two combined appeals¹³, the Court of Appeal clarified the meaning in a way that widened its definition such that it is no longer confined to policies in the development plan that provide positively for the supply of housing. This judgement also commented on the *William Davis* case, the Court saying that in its view that case had not been correctly decided on the point of the wider definition. Applying these judgements I agree with the opinions of the main parties, as set out in the SoCG, that LP Policy E20 is a relevant policy for the supply of housing.
61. Notwithstanding any conclusions in respect of whether there is a five-year housing land supply, and giving limited weight to the relevant part of the judgement of Justice Lang in *William Davis*, I conclude that Policy E20 must now be considered to be out-of-date. It is not consistent with the Framework in that it imposes a total ban on housing in the Green Wedge and there is no mechanism to balance the benefits of housing with any identified harm that may arise. The determinative factor, however, in my view is that the Council

¹² *William Davis Ltd & Jelson Ltd v SoSCLG & North West Leicestershire District Council* [2013] EWHC 3058 (Admin) 11 October 2013

¹³ *Suffolk Coastal DC v Hopkins Homes Ltd & SoSCLG; Richborough Estates Partnership LLP v Cheshire East BC & SoSCLG* [2016] EWCA Civ.168 (17 March 2016)

has accepted that its Green Wedge policy cannot be supported on this site. This is clear from the Background Papers and the Council's intention to re-designate the land as an Area of Separation in the ELP.

62. In accordance with advice in paragraphs 214 and 215 of the Framework, due weight should therefore be given to this policy; the amount of weight depending upon consistency with the Framework. The Council is seeking, through its ELP, to re-designate the land as an Area of Separation. In the meantime the policy remains extant and is part of the development plan. It still carries some limited weight, therefore, although that weight must be significantly less than full weight for all the reasons set out above.
63. Emerging Policy En5 of the ELP is still at examination stage; the outcome of the EiP is awaited. The emerging policy is the subject of unresolved objections and there is no certainty that it will be carried forward in the adopted version of the plan. In accordance with advice in paragraph 216 of the Framework it carries only very limited weight.
64. I conclude on this issue that in all the circumstances limited weight, significantly less than full weight, can reasonably be given to LP Policy E20 and that only very limited weight can be given to ELP Policy En5.

The effect of the proposals on the character of the area and, in particular, on the Green Wedge separating Coalville from Whitwick.

65. The remaining reason for refusal says that the development of the site for housing would inevitably diminish the present open and undeveloped character of this part of the Green Wedge. It alleges that this would not constitute sustainable development and would result in further coalescence between the settlements of Coalville and Whitwick.
66. There was much debate at the Inquiry concerning the reference to "further coalescence" in the reason for refusal. The dictionary definition¹⁴ of "coalesce" says it means to cause to grow together, unite; to grow or come together to form one whole; combine in a coalition. A Council witness, in his evidence, says that "there would be further coalescence between the settlements" [*emphasis retained*].¹⁵ Given the extent of the gap between the settlements that would remain following development, some 495m including a landscaped area within the appeal site, that assertion is plainly inaccurate.
67. The Council's planning witness, who had drafted the reason for refusal, conceded that it would have been better phrased had it said that the proposed housing, if built, would "result in a reduced gap". He considered that the proposals would contribute to coalescence and agreed that some coalescence had occurred, citing the development along Hermitage Road between Whitwick and Stephenson Way. While I agree with those comments, the reason for refusal, and hence the Council's formal objection to the proposals, is quite specific in saying that the proposals would result in "further coalescence", which would not be caused by these proposals. It should be emphasised, however, that the reason for refusal centres on the alleged harm to the open and undeveloped character of the area.

¹⁴ Shorter Oxford Dictionary

¹⁵ Landscape and Visual Matters: Jon Etchells para 8.11

68. Three separate Landscape and Visual Impact Assessments (LVIAs) were before the Inquiry, each written by a different author. Two were prepared for the Inquiry and one accompanied the planning application. Unsurprisingly, there is a high degree of consistency between them.
69. The appeal site is, as identified by the Inspector in 2012¹⁶, part of a fairly unremarkable tract of countryside. The Inspector added, in reference to the much larger site, that it was by no means unattractive and that it remained intact and unspoilt. The main changes since his Report have been the planting of two substantial tracts of woodland which, in time, will reduce long views across the land. The site itself comprises three fields in arable use that are largely surrounded by hedges with some hedgerow trees. Along the eastern boundary, where it abuts the rear gardens of dwellings in Tiverton Avenue, there is no boundary hedge and only limited boundary demarcation within the gardens. The site is part of the eastern section of the Green Wedge which, unusually for such an urban fringe location, remains largely intact and unspoilt.
70. The LVIAs identify that the main harm in visual impact terms would be to private views from dwellings in Tiverton Avenue in particular. The properties concerned are mainly single storey, some with rooms in the roof, and most having large picture windows or French windows facing the site. The dwellings are generally raised up about 0.5m above the level of the fields and, due to the limited boundary fencing and screening, currently have largely unobstructed views over the fields. The replacement of this view with houses, while not out of keeping in an urban location, would nonetheless restrict outlook and be harmful to the private views from these properties.
71. To my mind, the main harm would be caused to the function of the land as an area of open space within the urban boundary that provides visual and physical separation between Coalville and Whitwick. The proposals have been substantially scaled down from the 2012 appeal scheme. That scheme involved 1,420 dwellings and a site area of 74ha, and involved most of this easterly section of the Green Wedge. In contrast, the current proposal is for up to 216 dwellings on just 9.9ha with a further 6.7ha for open space including National Forest planting. The current proposal would not result in further coalescence but would clearly erode the gap between the settlements, contrary to the objectives of LP Policy E20 and ELP Policy En5.
72. I acknowledge that the landscape has limited value in itself; it is certainly not the type of valued landscape that paragraph 109 of the Framework seeks to protect and enhance. It is also noticeable that while the 2012 scheme attracted a high level of objection the current proposal has attracted only a relatively small number of letters of objection.
73. The 2012 Inspector concluded that the proposals before him would have had a "...very profound impact on the purposes, identity and character of this part of the designated Green Wedge". He added that it would "...undermine its purposes, almost nullify its identity, and completely change its character". The same cannot be said of the current proposals, which are much smaller in scale and leave much of the Green Wedge undeveloped. Nonetheless, the harm that would be caused to its identity, function and character would still be very substantial.

¹⁶ Inspector's Report: APP/G2435/A/11/2158154 paragraph 327

74. The open "feel" to the area would be significantly reduced as the new housing would encroach much closer upon the public footpaths across the remainder of the land. While the proposed landscaping would help to break up and soften its hard edges, the reduction in the scale of the open area would be very noticeable, particularly from Green Lane but also from the public footpaths to the west/ south west. By bringing the housing and associated roads so much closer to the paths the character of the area would be irreversibly changed. The feeling of openness would be lost and this would be severely harmful to the character of the area.
75. Due to its scale and openness, this eastern section of the Green Wedge successfully performs the function of keeping the settlements of Coalville and Whitwick apart. I saw that its paths, and in particular Green Lane, are well used. The appellant has highlighted the extent of the loss of Green Wedge in %-age terms but it seems to me that the loss cannot meaningfully be expressed in that way. The shape of the site, excluding the woodland area to the north, is roughly triangular. The roads and housing would extend over 300m into the Green Wedge from the gardens of properties in Tiverton Avenue. This would bring housing into the very heart of the Green Wedge to the extent that its function would be undermined and its open character harmfully changed forever. The indicative layout, with a road close to the western boundary, shows that the development would bring vehicular traffic into almost the very centre of the Green Wedge. This would impact detrimentally on its purpose and fundamentally change the character of the whole of this eastern section of the Green Wedge.
76. When walking along Green Lane the housing in Hall Lane and Tiverton Avenue can now be glimpsed above an intervening hedge and seen through field gates. While the proposed housing would be set against this backdrop, which has little in the way of screening, it would be significantly closer to receptors and so much more visually intrusive. In places the distance between receptors and housing would be more-or-less halved. In time the perimeter planting would be likely to soften the visual impact but the reduced scale of the open space would remain extremely noticeable. This would result in visual harm and harm to the character of the area.
77. I have had regard to the fact that the appeal site comprises only about 2.3% of the whole Green Wedge and that, notwithstanding the informal routes around the field boundaries, there is no authorised public access to the land. However, there are public footpaths in the immediate vicinity. Part of the value of this Green Wedge lies in its role in keeping the communities as separate, distinct settlements and this role would be harmfully eroded. This separation is a laudable objective of the Council that is clearly supported by the local community. The proposals, by reducing its scale would be harmful to its integrity. They would be contrary to the adopted development plan and the emerging local plan, albeit that the cited policies cannot carry full weight.
78. Overall, this harm arising from the conflict with the development plan carries a limited amount of weight against the proposals. By encroaching into the heart of the Green Wedge there would be irreparable harm to the open character of the area. This harm would be very significant and for the reasons set out above carries substantial weight against the proposals.

Whether the proposals make adequate provision for community and other services and facilities including affordable housing.

79. The s106 Agreement submitted during the Inquiry was signed by the appellant and the District and County Councils. The Agreement is signed subject to its provisions being found to accord with the CIL Regs and paragraph 204 of the Framework. The matters in dispute relate to the library contribution; the contribution towards primary and secondary education; civic amenity facilities; and police. In respect of the police contribution no evidence to justify this was advanced and I conclude that its necessity has not been demonstrated.
80. Concerning libraries, I acknowledge that it has not been demonstrated that the library facilities are over capacity. However, the proposed development will undoubtedly add pressure to the service with a proportion of the new residents being likely to make use of the facility. The resources and facilities in libraries are not limited to books and films and this community resource needs to be adequately financed in order for it to be kept up-to-date. The proposed development will increase demand for the facility and so a contribution is necessary to make the development acceptable in planning terms. It is directly related to the development and it is reasonable that it makes a modest financial contribution (£6,520).
81. The primary school contribution has not, however, been justified. While there is pressure on some local schools, there is spare capacity in others. Overall, there is spare capacity in the area for some 110 additional children, excluding any spare capacity at the Roman Catholic schools, while the site is likely to generate just 52 children of primary school age. The contribution sought has not been demonstrated to be necessary or to meet the tests in the CIL Regs or the Framework.
82. Concerning secondary education, however, the shortfall in provision is acknowledged and agreed. The difference between the parties relates to the scale of the financial contribution necessary. The Agreement makes provision for a high school contribution of £386,125.27. At the Inquiry the County Council advised that what was being sought is a modular classroom which would accommodate 30 pupils, whereas the scheme would only generate 22 pupils. The cost of a fitted out classroom was accepted to be well below the sum set out in the agreement and with just 22 pupils only 73% of the cost would be justified by this development. That comes to about £240,900. That sum is fully justified. The failure to provide any contribution would result in the development failing to make adequate provision for community facilities.
83. With regard to the civic amenity facility the sum required has been sought to provide for individual projects at the amenity site rather than improving its capacity to accommodate the new development. It cannot be used to increase capacity as there have already been 5 contributions towards this. I am not convinced that this financial contribution has been justified.
84. All the other contributions, which are not contested, in respect of off-site highway works, affordable housing, travel packs and improvements to bus stops are all compliant with the tests in the CIL Regs and the Framework. Overall, the Agreement ensures that the proposals make adequate provision for community and other services and facilities including affordable housing.

Other matters

85. The Whitwick Action Group (WAG) was formed in 2009 by the local community to highlight the plight of what they call "our precious Green Wedge". The views of WAG largely reflect the views of the District Council. The accessibility of the Green Wedge is a key part of their concerns; the proposals would provide public access to more of the Green Wedge than is currently permissible.
86. The issue of flooding was raised by a local resident who had been a flood victim in 2002. Potential risk of flooding does not form part of the reasons for refusal. The site lies in Flood Zone 1 and neither the Environment Agency (EA) nor Severn Trent Water raised any objections subject to the imposition of conditions. A Flood Risk Assessment (FRA) was submitted with the application, which demonstrates that a suitable drainage scheme can be implemented. There is an agreed condition requiring the submission and approval of surface and foul water drainage schemes prior to the commencement of development.
87. The proposals attracted relatively few objections from third parties although both the Whitwick Parish Council and WAG raised objections. The matters of detail, such as potential overlooking, loss of outlook and loss of privacy would be considered at the reserved matters stage. I have taken these other matters into account in determining this appeal.

The planning balance: Whether the proposals comprise sustainable development as defined in the Framework and whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits

88. The starting point is the development plan in which LP Policy E20 is the key policy. These proposals are in clear and direct conflict with that policy. However, for the reasons given above this policy cannot reasonably be considered to be up-to-date. While I have found that the Council can demonstrate a five-year housing land supply, in respect of paragraph 14 of the Framework that finding is somewhat academic as the only cited policy is not consistent with the Framework. Having said that, however, my conclusions in respect of the quantum of housing land supply and need for affordable housing are relevant considerations as to the weight that can be given to these matters in the overall balance. In accordance with advice in paragraph 215 of the Framework Policy E20 must be given due weight. Due to the level of inconsistency with the Framework and the Council's own conclusion that the Green Wedge policy cannot be supported on this site, the weight that can be given to the development plan policy in this instance is limited.
89. As LP Policy E20 is not up-to-date, and this is the only policy cited in the reason for refusal, the tilted balance in paragraph 14 of the Framework is triggered. This paragraph sets out the presumption in favour of sustainable development. It says that for decision-taking this means that where the development plan is out-of-date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate that development should be restricted.
90. Footnote 9 of the Framework sets out examples of such policies. The only relevant issue mentioned at the Inquiry concerns flooding, which was raised by a local resident. It is not an argument that is supported by the Council or any

- of the relevant authorities including the EA and Severn Trent Water. The FRA indicates that this is not a site where there is any conflict with the Framework.
91. Concerning the first limb of the fourth bullet point of paragraph 14, therefore, it now needs to be determined whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits such that the proposal does not constitute sustainable development.
92. In terms of the five-year housing land supply, I have concluded that the Council can demonstrate a sufficient supply, although I have not agreed with the Council in terms of the size of the necessary buffer and I have not agreed that all the identified sites can reasonably be described as being deliverable. Nonetheless, the deliverable supply slightly exceeds 5 years. The tilted balance, set out in paragraph 14 of the Framework, still comes into play, however, due to the development plan being out-of-date. This sets out the presumption in favour of sustainable development.
93. The Framework says that the policies within it as a whole constitute the Government's view of what sustainable development means in practice. Paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 says that these roles must not be undertaken in isolation and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
94. Concerning the first dimension, the economic role, the proposals would provide up to 216 new dwellings in an area where the deliverable supply of land for housing only just exceeds the minimum requirement for 5 years. The site is available now and there is no practical reason to prevent its construction in a reasonable timescale. Future residents would be likely to support local shops and other businesses bringing a substantial boost to consumer spending in the area. The site is in walking distance of many local facilities, increasing their attraction for future residents. The development would provide short-term jobs during the construction phase and provide a source of employees for established businesses in the area. These are important economic benefits.
95. Concerning the social role, the scheme would be able to help deliver a strong, healthy and vibrant community with a range of house types and a significant number (about 44) of affordable homes. This would accord with paragraph 50 of the Framework and help create an inclusive and mixed community. The affordable homes would be especially beneficial, given the known need. The development would enable access to the land with footpaths, woodland and open space. While there is no reason as to why the proposals would not create a high quality built environment, this has to be seen in the context that this would be achieved at the expense of an important area of open land.
96. In environmental terms there would be some new planting, including an area of National Forest, but this would only be provided at the expense of open land that makes an important and meaningful contribution to the character of the area. The totality of the proposals, including up to 216 dwellings within the land separating the communities, would fail to protect or enhance the natural environment. It would result in the loss of part of the land that enables the separation of Coalville from Whitwick to be maintained. This enclave of open land, located within the urban area and surrounded by built development, provides visual and physical separation between the two settlements. While

the gap would not be lost in its entirety, its scale would be seriously reduced and its character harmfully damaged. The reduction in its scale, and the intrusion of roads and housing into its heart, would substantially detract from the character of the area.

97. I have taken account of the economic and social benefits that would derive from this development. It would accord with the Government objective of boosting the supply of housing. However, these are, for the most part, benefits that would derive from the residential redevelopment of any open land in the area. Most of the identified benefits would not be exclusive to this development. On the other hand, the contribution of the site to the function of separating the settlements and its contribution to the character of the area is important and distinctive. I conclude that the environmental harm would be so substantial that it would outweigh the economic and social benefits. The development would not comprise sustainable development.
98. The appeal needs to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development is in conflict with the development plan, albeit that the weight that the plan can carry is diminished as the relevant policy is out-of-date.
99. The appellant has referred to *ex parte Milne*¹⁷ in reliance of the proposition that a proposal does not have to accord with each and every policy in a development plan; it is enough that it accords with the development plan as a whole. However, there is nothing in *ex parte Milne* to suggest that a proposal cannot properly be refused due to conflict with a single development plan policy. What is required is an assessment of the materiality of that policy. In this case, Policy E20 relates to the distribution of development within the District. As such it is a key policy that attends to the principle of development in this location. Despite its reduced weight, any conflict with it must still carry some weight and planning permission should only be granted if material considerations indicate that it ought to be in the face of development plan conflict.

Conclusions

100. I acknowledge that there is conflict with only one development plan policy and that the policy in question carries limited weight to the extent that it must be considered to be out-of-date. Nonetheless, the policy remains part of the development plan and the harm that would arise would be substantial. On balance I conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits; the other material considerations do not indicate that planning permission should be granted and so the appeal is dismissed.

Clive Hughes

Inspector

¹⁷ ID35: *R v Rochdale Metropolitan Borough Council ex parte Milne (No 2)* [2001] Env. L. R. 22

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tim Sheppard of Counsel

Instructed by Sima Odedra, Planning Solicitor, North West Leicestershire DC

He called

Nick Ireland BA(Hons) MTPI MRTPI

Jon Etchells MA BPhil CMLI

James Knightly BSc DipTP MRTPI

Director, G L Hearn

Director, Jon Etchells Consulting Ltd

Principal Planning Officer, NWLDC

FOR THE APPELLANT:

Christopher Lockart-Mummery QC

Instructed by Bilfinger GVA

He called

Tom Baker BA(Hons) MA MRTPI

Gary Holliday BA(Hons) MPhil CMLI

Craig Alsbury BA(Hons) BTP MRTPI

Associate, GVA

Director, FPCR Environment & Design

Senior Director, GVA

INTERESTED PERSONS:

Kelvin Goode

Whitwick Action Group, local resident

Ray Woodward

Vice Chair, Whitwick Parish Council, local resident

Maureen Partridge BEd

Local resident

Lin Hoult

Local resident

Andrew Tyrer BA(Hons) MRTPI

Development Contributions Officer, Leicestershire County Council

Ruth Lea

Solicitor, Leicestershire County Council

Julie Muddimer

Schools Places Planning Officer, Leicestershire County Council

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Council's neighbour notification letter and list of persons notified
- 2 Statement of Common Ground
- 3 Appeal decision APP/G2435/A/13/2192131 – Land south of Moirs Road, Ashby-de-la-Zouch (30.05.2013)
- 4 Appeal decision APP/G2435/A/14/2217036 – Lower Packington Road, Ashby-de-la-Zouch (28.10.2014) & extract from proof of evidence of Andrew Murphy
- 5 Extract from proof of evidence of Andrew Murphy re Land South of Greenhill Road, Coalville
- 6 Appeal decision APP/G2435/W/16/3151499 – Land to the South East of Station Hill, Swannington, Coalville (11 October 2016)
- 7 Appeal decision APP/V0728/W/153018546 – Longbank Farm, Ormesby (9.03.16)
- 8 Plan showing proposed development in relation to Green Wedge
- 9 Extract from Guidelines for Landscape & Visual Impact Assessment pp80/85
- 10 Outline opening submissions on behalf of appellant
- 11 Opening on behalf of the North West Leicestershire District Council
- 12 Appeal decision APP/W1525/W/15/3129306 – Land East of Main Road, Bicknacre (20.07.2016)
- 13 Appeal decision APP/W1525/W/15/3121603 – Main Road, Great and Little Leighs, Great Leighs (26.09.2016)

- 14 Statement of Kelvin Goode
- 15 Draft Agreement under s106 of the Act between Jelson Limited, North West Leicestershire District Council and Leicestershire County Council
- 16 Decision Notice 16/00301/FULM – Realignment of southern relief road... etc (reference 09/01226/OUTM) at land off Park Lane, Castle Donington
- 17 Statement by Ray Woodward and Parish Council minutes (13.11.2014)
- 18 Figures for North West Leicestershire
- 19 Statement and attachments by Maureen Partridge
- 20 Report in the Examination into the Brighton and Hove City Plan (5.02.2016)
- 21 Interim Findings from the Examination of the Maidstone Borough Local Plan (22.12.2016)
- 22 Kings Lynn and West Norfolk v SoSCLG, ELM Park Holdings Ltd [2015] EWHC 2464 (admin) (9 July 2015)
- 23 Inspector's Interim Conclusions on the Stratford-on-Avon Core Strategy
- 24 GVA Housing Land Supply Analysis Summary (18.01.2017)
- 25 Notification procedure on education developer contributions (3.11.2014)
- 26 Statement by Lin Hoults
- 27 Letter and enclosures from Maureen Partridge
- 28 Update of ID24: GVA Housing Land Supply Analysis Summary (23.01.2017)
- 29 Agreed Housing Land Supply Tables as at 23 January 2017
- 30 Agreed Updated Housing Completions Tables (23.01.17)
- 31 Suggested Conditions
- 32 Signed Agreement under s106 of the Act between Jelson Limited, North West Leicestershire District Council and Leicestershire County Council (23.01.17)
- 33 Closing submissions on behalf of the North West Leicestershire DC Council
- 34 Closing submissions on behalf of the Appellant
- 35 *R v Rochdale MBC (Ex parte Milne) (No 2) [2001] Env.L.R.22* (31 July 2000)

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 36 Leicester & Leicestershire Housing and Economic Development Needs Assessment (GL Hearn) (January 2017)
- 37 Post-Inquiry Written Representations (GVA) (March 2017)
- 38 Representations on the HEDNA (GL Hearn) (March 2017)
- 39 Response to Council's Written Representations (GVA) (March 2017)
- 40 Letter dated 24 March 2017 from NW Leicestershire DC to PINS and Further Position Statement (March 2017)

PLANS

- A Site location plan
- B Aerial site location plan
- C Drawing No CBO-0222-002 Rev B – Detailed site access arrangement
- D Drawing No CBO-0222-003 Rev A - Detailed site access arrangement