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## Appeal Decision

Hearing opened on 24 January 2017

Site visit made on 28 March 2017

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

**Decision date: 7<sup>th</sup> July 2017**

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**Appeal Ref: APP/G2435/W/16/3153781**

**Land at Loughborough Road, Whitwick, Coalville, Leicestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Radleigh Group Limited, Gayle Baker, Philip Baker and Verity Cave against the decision of North West Leicestershire District Council.
  - The application Ref 16/00070/FULM, dated 15 January 2016, was refused by notice dated 8 June 2016.
  - The development proposed is the erection of 28 dwellings together with public open space, national forest planting, landscaping, drainage infrastructure and vehicular access off Loughborough Road.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. A properly completed section 106 agreement has been submitted, the contents of which were discussed at the hearing. It secures financial contributions towards the provision of on-site affordable housing, local infrastructure and services. Its terms are addressed in more detail within the decision.
3. The hearing opened on 24 January 2017. However, it was adjourned because of the imminent publication of the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) which the Council intended to refer to. The hearing was resumed on 28 March 2017 and was closed on the same day.
4. The main modifications to the new North West Leicestershire Local Plan currently under examination were published in June. The Supreme Court judgement in relation to two cases (*Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East BC [2017] UKSC 37*) was also issued on 10 May 2017. The parties to this current appeal were invited to comment on the bearing the main modifications and judgement may have on the appeal. The comments received have been taken into account in this decision.

### Main issue

5. The main issues in this appeal relate to;
    - housing land supply;
    - whether the location of the proposed development would accord with the development plan and its settlement hierarchy; and
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- the effect of the proposed development on the character and appearance of the area.

## **Reasons**

### *Housing land supply*

6. Paragraph 47 of the National Planning Policy Framework ('the Framework') advises that Local Planning Authorities should have sufficient deliverable sites to provide five years of housing against their requirement for housing. The position of the Council is that it has a 6.34 year supply. However, the appellants disagree and believe that only a 3.7 year supply exists.
7. The reason for this difference is that the appellants believe that the full, objectively assessed need (FOAN) for housing contained in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) published in January this year has not been tested at examination and is flawed. As a result, the appellants' view is that the FOAN has been significantly underestimated.
8. The proper forum in the plan led system for a full analysis of the FOAN is the formal consultation and examination process of the development plan. Nevertheless, on the basis of the evidence presented I need to make judgements as to the FOAN and housing land supply, even though this will not involve the kind of detailed analysis that takes place in the examination of a development plan. It follows that my assessment relates to this case only and is based on the evidence presented to me. It will not be authoritative and binding in relation to other cases. It is on this basis that I have proceeded.
9. The criticisms of the FOAN relate to two areas. Firstly, economic growth. Secondly, cross boundary housing need, the duty to co-operate and affordable housing.
10. In terms of economic growth, the estimate of future jobs growth in the HEDNA is based upon data produced by Oxford Economics and has taken into account a wide variety of factors. It has resulted in the incorporation of 56 dwellings per annum (dpa) in to the HEDNA FOAN to address economic growth. Reference has been made to a report produced for the Council last year 'Review of Housing Requirements' (2011-2031) which identified that the East Midlands Gateway Rail Interchange (EMGRI) would generate a higher need of 120 dwellings per annum (dpa). However, it was conceded at the hearing that the HEDNA FOAN incorporates the EMGRI in its planned growth for the Housing Market Area. As a result, no adjustment in the FOAN in relation to jobs growth is necessary in this regard.
11. In relation to the second area, the HEDNA has identified that there are local planning authorities within the Housing Market Area who are unlikely to be able to meet all of their areas housing needs. The figure for the FOAN has not been adjusted to address this issue. Similarly, whilst the FOAN relates to both market and affordable housing in the District, no uplift has been included in relation to affordable housing. However, it was agreed at the hearing that such adjustments were policy decisions. The Council advised that decisions on these matters would occur when establishing the housing requirement as part of a revision of the Local Plan currently undergoing examination. The Local Plan includes provision for a review once the Strategic Growth Plan for the Housing Market Area has been published. This is expected to occur early in 2018.

12. I therefore find that there is no basis for adjusting the FOAN as set out in the HEDNA in relation to these areas of criticism at this time.
13. Instead of the HEDNA FOAN, the appellant advocates the significantly higher FOAN used by the Inspector in the Greenhill Road appeal<sup>1</sup> as the most up to date and reliable figure. However, I do not share the appellants' enthusiasm for its use. It is based on the Department for Communities and Local Government 2012 household projections, not the more recent and up to date 2014 projections used in the HEDNA FOAN.
14. Reference has been made to an appeal decision issued earlier this year where an Inspector decided not to use the FOAN in the HEDNA to assess housing land supply<sup>2</sup>. However, that was in a neighbouring Leicestershire authority which, unlike North West Leicestershire District Council, has a recently adopted Core Strategy. As a consequence, the circumstances of that appeal are materially different from this appeal and reference to that decision has not altered my findings in relation to this issue.
15. Taking all these matters into account, I find on the basis of the evidence before me that the HEDNA provides the most up to date and robust FOAN. Ahead of an adopted local plan producing a constrained 'policy on' figure, a Court of Appeal judgement<sup>3</sup> makes clear that the FOAN is the figure against which housing land supply should be measured.
16. The main modifications proposed to the new Local Plan include reference to uncertainties regarding the delivery of some sites (MM17). As a result, it suggests that in addition to the 9,000 dwellings that it is estimated will be built during the plan period to 2031 provision for at least a further 600 dwellings will need to be made. In its comments on these modifications, the appellants have also introduced reference to a site at Standard Hill where problems with infrastructure mean that the site may not deliver the 100 dwellings allowed for in the five year housing land supply. However, even if MM17 forms part of the final plan, allowing for a further 600 dwellings to be spread equally over the plan period and the Standard Hill site not delivering any dwellings in the next five years, the Council would still be able to comfortably demonstrate a five year housing land supply.
17. On the basis of the HEDNA FOAN and delivery concerns raised, I am satisfied for the purposes of this appeal, that the Council can demonstrate in excess of a five year housing land supply.

*Planning policy and the location of the proposed development*

18. Applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area includes the North West Leicestershire Local Plan (Local Plan) adopted in 2002.
19. The appeal site lies next to, but outside, the Limits to Development for Whitwick. As a result, for planning policy purposes it lies within the open countryside where Policy S3 strictly controls development. The proposal would not comply with any of the exceptions set out in this policy and the site is not an allocated housing site contained in Policy H4 in the Local Plan. As a consequence, it would be contrary to these policies and policies S1 and S2 of

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<sup>1</sup> Ref APP/G2435/W/15/3005052

<sup>2</sup> Appeal ref APP/X2410/W/16/3152082

<sup>3</sup> *Hunston Properties Ltd v Secretary of State for Communities and Local government* [2013]

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- the Local Plan which set out the Local Plan's overall spatial strategy. Moreover, as undeveloped land not within Ashby-de-la-Zouch or Coalville, the location of the site is contrary to policy H4/1 of the Local Plan which sets out a sequential approach to the release of land for residential development.
20. The Local Plan only sought to set out the spatial strategy for development in the District until the end of the plan period in 2006. In the statement of common ground it was agreed that as the Local Plan did not provide for future housing needs beyond this time, all the mentioned policies, S1, S2, S3, H4 and H4/1, which are relevant to the supply of housing, were out of date and that limited weight should be attached to them. However, a recent judgement<sup>4</sup> found that where a five year housing land supply exists, which I have found to be the case in this instance, policies relevant to housing land supply are not to be considered to be automatically out of date. In such circumstances, the chronological age of a development plan policy, in itself, is not relevant for the purpose of determining its degree of consistency with the policies of the Framework and the weight that should therefore be attached to it.
  21. Policies S1, S2, S3 of the Local Plan set out the overall spatial strategy of the Local Plan. Policy H4 allocates sites for housing. These policies are intrinsically linked and were formulated in the context of the Structure Plan and national planning policy that applied in 2002. Taken together, whilst they direct development towards sustainable urban locations they reflect national planning policy that applied at the time, which sought to protect the countryside for its own sake. As a result, other than in relation to a few exceptions, the policies impose a blanket protection on the countryside with no criteria for assessment of the quality of the countryside as required by paragraph 113 of the Framework. Consequently, I find that these policies are not fully consistent with the Framework. They are therefore out of date and, in accordance with paragraph 215 of the Framework, I attach only some weight to them.
  22. Whilst also dating from 2002, policy H4/1 adopts a sequential approach which supports new housing within, or on allocated sites adjoining, Coalville, Ashby-de-la-Zouch and rural centres and, importantly, in other locations appropriate in the context of other policies of the Local Plan. It allows for the supply of housing land to be monitored and land released having regard to the need to maintain an appropriate supply. This approach is consistent with the eleventh and third core planning principles of the Framework, namely that planning should actively manage patterns of growth focussing significant housing development in locations that are, or can be made, sustainable and that every effort should be made to meet the housing needs of an area. In accordance with paragraph 215 of the Framework, I therefore attach full weight to this policy.
  23. The Council in its officer report acknowledges that the Limits to Development were drawn having regard to the housing requirements to 2006. As a consequence, planning permission has been granted in recent years on greenfield sites within the countryside, including land not allocated for housing, in order to deliver housing. However, at the present time, I have found that a five year housing land supply exists. Consequently, the policies discussed, which are relevant to the supply of housing land, are not out of date on the basis of a lack of such a supply.

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<sup>4</sup> *Gladman Developments Ltd v Daventry DC* [2016] EWCA Civ 1146

24. A new North West Leicestershire Local Plan (nNWLLP) is currently the subject of public examination. Policy S3 of that plan seeks to control development within the open countryside. Prior to submission, a number of unresolved objections existed in relation to it, including that, contrary to the Framework, it applies a blanket approach to constraining development in the countryside, with not all land designated as countryside by the plan being worthy of protection. Whilst the proposed main modifications to the Local Plan address these concerns, public consultation on the main modifications has not concluded and the final report on the examination of the nNWLLP has not been published. As a result, in accordance with paragraph 216 of the Framework, I attach some weight to this policy.

*Character and appearance*

25. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in decision taking. The appeal site is located within the open countryside and consists of three fields of pasture, some of which are in use as paddocks, bounded by a mixture stone walls and hedges. To the east and south of the site is heathland and woodland. Therefore, whilst the appeal site lies adjacent to the limits for development of Whitwick and its urban area, in my assessment, together with neighbouring open land, it is seen very much as an integral part of the character of the Charnwood National Character Area<sup>5</sup>. Identified features of this Character Area include woods, heathland, rocky outcrops and fields bounded by hedges and drystone walls. The appeal site also reflects the character of the Charley Landscape Character Area, which forms part of the Charnwood Forest Landscape and Settlement Character Assessment and includes similar features. Located within the Charley Landscape Area and surrounded by it on all sides, the appeal site has more in common with this area than the Bardon Landscape Area where the urban fringe dominates.
26. The proposed scheme would result in the loss of countryside through the development of two of the fields for housing. As the fields form part of the landscape character which is typical of the area, harm in this regard would also be caused by their development. Whilst the site is adjacent to in-depth suburban development to the west and a thin ribbon of housing development to the north, the proposal in creating a suburban housing estate with a landscaped edge would be at odds with the smaller scale of housing development that is a feature of the open countryside within this character and landscape area. By simply extending suburban development into the countryside it would intrude into the landscape and its landscaped edge would be too shallow to allow it to integrate well into its surroundings.
27. With the site's location on Loughborough Road, and with public rights of way to the east and well-trodden paths to the south, the appeal site and its relationship with the surrounding heathland and woodland forms part of the local landscape that is readily visible in nearby public views. The Landscape and Visual Appraisal carried out on behalf of the appellant identified that the proposed scheme would result in a moderate to high magnitude of change visible from several public viewpoints from around the site and that the adverse effects would be of moderate to major significance. From what I saw of the site, I have no reason to disagree with that assessment. In terms of mitigation, reliance is placed on planting softening development, and to an

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<sup>5</sup> Natural England National Landscape Character Areas, No 73, Charnwood

- extent screening it, so that the adverse effects would be reduced. However, it was agreed that the mitigating effect of tree planting would take up to 15 years to take effect. Furthermore, given that to be in keeping with native woodland much of the planting would be deciduous, the mitigating effect of planting would be much reduced during the colder part of the year when such trees are not in leaf. For these reasons, the proposed mitigation would be of limited benefit in reducing the adverse effects of the proposed development on public views of the appeal site and the landscape of which it forms a part.
28. In longer distance public views from the west of Whitwick, the appeal site is seen as forming part of the open countryside on higher land to the east of the town. As a result, these views are highly sensitive to change. The site though forms a small part of the panoramic landscape that can be seen from these locations. Consequently, the proposed development would result in a low magnitude of change with an adverse effect of moderate significance.
29. Reference has been made to the Greenhill Road decision where the Inspector found that the site subject of that appeal did not reflect the key characteristic of the Charley Landscape Character Area (LCA) owing to its relationship to nearby development. However, that site was located in a different character area, the Bardon LCA, rather than clearly within the Charley LCA, as in the appeal currently before me. Consequently, the physical environs in that appeal are materially different and reference to it has not altered my findings in relation to this issue.
30. The Council's position at the hearing was that the appeal site should be considered to be a valued landscape in terms of paragraph 109 of the Framework. The appellant disagreed with that position. I have considered the proposal on its own merits and found harm in terms of character and appearance. There is no need therefore for me in this regard to come to a view as to whether the site could be categorised as a valued landscape or not.
31. The open countryside in which the appeal site is located has very few buildings, if any, that form part of the street scene within which the appeal site is viewed. Insofar as the proposed houses on the site would relate to adjacent dwellings within the settlement boundary of Whitwick, then the proposal would comply with policy E4 of the Local Plan. This policy was the sole policy cited in the Council's reason for refusal of the proposed development. It requires that new development respects the character of its surroundings in terms of scale, design, height, massing, materials, spaces and the street scene generally. It is common ground that this policy is consistent with the Framework and I agree with that position. As a result, I attach full weight to it. However, compliance with this policy (insofar as the relationship of the development proposed with existing dwellings) would not obviate the very significant adverse effect that would be caused to the character and appearance of the countryside and landscape through development of the site.
32. Under policy EN4 of the nNWLLP the appeal site falls within the Charnwood Forest Regional Park (CFRP). This policy requires the protection and enhancement of the Regional Park's landscape which is well described by the earlier character assessments to which I have referred. The nNWLLP is currently being examined and there are no unresolved objections to policy EN4. Accordingly, although it is an emerging policy, I nevertheless attach significant weight to it. The appellants' view is that the design of the houses and materials used would respect the character and appearance of the area and so would

comply with this policy. However, the justified reasoning to this policy notes that whilst it is not the intention that the CFRP should be a barrier to new development, such considerations only apply to development that is considered to be appropriate within it. Policy S3 of the nNWLLP clarifies what these types of development would be. Market housing schemes are not included. Given this policy position, the scheme would not be appropriate in the CFRP and its harmful effect on the landscape and countryside would be contrary to policy EN4.

33. Taking all these matters into account, I therefore conclude that the proposed development would have a significant adverse impact on the character and appearance of the countryside and landscape. This would be contrary to policy E22 of the Local Plan and policy EN4 of the nNWLLP.
34. Policy E22 of the Local Plan protects Areas of Particularly Attractive Countryside (APAC) within the District. The appeal site is located within such an area. However, the policy does not provide any information on the baseline character of the APAC and does not provide criteria against which to assess development proposals. I therefore agree with the Inspector in the Greenhill Road decision that this policy is inconsistent with paragraph 113 of the Framework and is thus out of date. As a result, I attach limited weight to this policy in terms of assessing the proposal.

### **Other matters**

#### *Accessibility*

35. The site is located next to the eastern edge of Whitwick. The settlement has a reasonable range of services and facilities, which are either within walking or cycling distance of the appeal site. It is therefore capable of meeting some of the day to day needs of its residents.
36. In terms of public transport, two bus services from the centre of Whitwick, which is just within a reasonable walking distance of the appeal site, provide a regular connection to Coalville and Loughborough which can meet a wider range of needs. Taking all these matters into account, I therefore find that whilst the appeal site is less than ideally located in relation to services and facilities it is in a reasonably accessible location for development.

#### *Highway safety*

37. The proposed access to the site would be within the 30mph speed limit that applies within Whitwick. Concerns have been raised that speeding traffic on Loughborough Road would increase the risk of accidents if the development went ahead and that problems with congestion would also occur. However, Loughborough Road is particularly straight, and at the proposed access, very good visibility of oncoming traffic in both directions for exiting vehicles could be achieved. In relation to congestion, a transport assessment has been produced. The Highway Authority, having considered this assessment, is satisfied that the local highway network has the capacity to accommodate the traffic that would be generated by the proposed development without any adverse impact on the local highway network.
38. The Council has no objection to the proposal subject to, amongst other highway matters, the provision of visibility splays, a pedestrian footway along the front of the site and the re-siting of a 30mph speed limit sign. I see no reason why these measures could not be achieved and I have no reason to disagree with those conclusions.

### *Flooding*

39. Whilst the site itself is at low risk of flooding, Whitwick has been subject to flash flooding and there is significant concern that the proposed development would make the problem worse. However, in terms of surface water drainage it is a requirement for schemes of the size proposed that sustainable systems are used. These systems limit water run off rates to those of the site in its current undeveloped state. This is a matter that could be controlled by condition. In terms of foul water drainage, Severn Trent has not objected. Taking all these matters into account, I therefore find that the proposal would not exacerbate problems with flooding in Whitwick.

### *Ecology*

40. The field that forms the eastern part of the site is a habitat for orchids and would remain undeveloped. Subject to the submission of a management plan for the grassland and updated reptile and badger surveys the Council, on the advice of the County Ecologist, has no objection to the scheme. I have no reason to disagree with those conclusions

### *Agricultural land*

41. The proposed scheme would result in the loss of 2.58 hectares of grade 3 agricultural land to development. Land within grade 1, 2 and 3a is defined in the glossary to the Framework as being the best and most versatile agricultural land. In preference to the development of this type of land the use of land of poorer quality is encouraged by paragraph 112 of the Framework. This government policy though relates to proposals involving the development of significant amounts of such land. The view of the Council, expressed in its Development Control Report on the application, is that the development of less than 20 hectares of such land is a low amount of land. I agree with that position. In accordance with the Framework, I will therefore take into account as part of my overall conclusion the economic and other benefits of agricultural land of this grade. This will form part of the assessment as to whether or not the proposal would constitute sustainable development.

### *White Paper*

42. The housing white paper '*Fixing our broken housing market*' was published earlier this year. It contains proposals for consultation regarding how the supply of new homes could be significantly increased. It is too early therefore to state that its contents constitute a change in government policy. This consultation paper is therefore not a consideration of material weight in favour of the appeal.

### *Other decisions*

43. The Greenhill Road decision has been extensively referred to. The Butt Lane decision<sup>6</sup> has also been cited. Both appeals related to housing schemes within the District that were allowed on appeal in the last 18 months. However, in both it was concluded that less than a five year housing land supply existed. As a result, all policies relevant to housing land supply were found to be out of date and the contribution in these schemes of up to 180 and 80 new dwellings respectively towards addressing the shortfall was an important benefit of the scheme. Such circumstances do not exist in this case. Furthermore, unlike in both of these appeals, I have found that the proposal would harm the character

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<sup>6</sup> Appeal ref APP/G2435/W/15/3137258



and appearance of the area. These decisions are therefore materially different to the appeal before me and are not directly comparable to it.

44. Reference has also been made to scheme for a far larger housing development of up to 750 houses in a different district and county that was allowed by the Secretary of State on appeal earlier this year<sup>7</sup>. Although it was found that the scheme would cause landscape and visual harm, was contrary to the development plan and a five year housing land supply existed, the Secretary of State decided that the benefits of affordable and market housing were material considerations of sufficient weight to justify granting permission. It is an established principle that each planning application should be assessed on its merits. The Secretary of State exercised his judgement on the evidence in relation to that particular case. I must similarly use my judgement in respect of the evidence before me.
45. The fact that permission was granted in these other appeals is therefore not a consideration of material weight in favour of the proposal.

### **Planning balance and overall conclusion**

46. The development plan includes the Local Plan adopted in 2002. As the proposal would be a housing development in the open countryside, outside the limits to development for Whitwick it would be contrary to policies S1, S2, S3, H4, H4/1 and E22 of the adopted Local Plan.
47. Applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is an important material consideration.
48. In circumstances where relevant policies are out of date, the tilted balance in paragraph 14 of the Framework applies. As I have found that the Council has more than a five year housing land supply, relevant policies are not out of date on the basis of an inadequate supply of housing land. However, of the cited policies of the adopted Local Plan I have found that only policies H4/1 and E4 are consistent with the Framework. As the other policies of the adopted Local Plan that I have cited above are inconsistent with the Framework they are out of date. The tilted balance states that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
49. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
50. Environmentally, the appeal site is in a reasonably accessible location for development. However, the proposal would cause significant harm to the countryside and landscape through loss of open undeveloped fields to residential development. The quality of the housing scheme's design, planting and scope for some ecological enhancement would fall considerably short of compensating for the harm to the natural environment that would be caused.
51. Socially, the 28 dwellings in the housing scheme would help address housing need, although there is currently no material shortfall in the required supply. Five properties on the site would be affordable housing which is a noteworthy social benefit. The proposal would provide one hectare of public open space.

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<sup>7</sup> Appeal ref APP/K3415/A/14/2224354

- However, there is open space in the vicinity of the site that the public has access to and as the open space that would be provided is only accessible through the proposed estate this is a benefit of limited weight.
52. In terms of the economy, new development would create employment and support growth during the construction period and attract a New Homes Bonus. The increase in the population would also boost the spending power of the local economy to some extent. However, the same is true of all new residential developments. Given the existence of a five year housing land supply there would also be conflict with the economic dimension which seeks to ensure, among other things, the delivery of land in the right place at the right time. The proposal would result in the loss of agricultural land to development. In agricultural terms the amount of land lost would be small and the economic harm caused would be limited.
53. I attach some weight to the economic and social benefits of additional housing, including affordable housing, and the environmental improvements. However, this has to be balanced against the demonstrable harm that would be caused to the countryside and landscape through the loss to development of approximately 1.5 hectares of pleasant attractive open countryside to development that would be readily visible from public vantage points.
54. The new Local Plan is progressing through examination. The harm that would be caused to the countryside and landscape would be contrary to policies S3 and EN4 of the nWLLP, including modifications suggested by the Inspector. Having regard to paragraph 216 of the Framework, I have found that these policies are consistent with the Framework and have respectively attached some and significant weight to them. The scheme would also be contrary to the settlement hierarchy and sequential approach to land release contained within policy H4/1 of the Local Plan to which I have attached full weight.
55. As I have noted, the development would also be contrary to policies S1, S2, S3, H4 and E22 of the Local Plan. Although I have found that these policies are out of date, they remain part of the development plan. In seeking to actively manage patterns of growth to focus development in sustainable locations whilst conserving the natural environment, I attribute, collectively, some weight to them.
56. Taken together, the harm that I have identified would be caused to the character and appearance of the area and the spatial strategy of the area would be considerable. On balance, I therefore conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, material considerations therefore do not justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be dismissed.
57. As I noted as a procedural matter, at the request of the Council the appellant has submitted a properly completed section 106 agreement. The tests in paragraph 204 of the Framework and regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against

these requirements. The only exception to this is the provision of affordable housing which I have taken into account in any event.

*Ian Radcliffe*

Inspector

Richborough Estates

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Lewis Roberts	Pegasus Group
Miss Stacey	Pegasus Group
Mr Reid	Ian Reid Landscape Planning Limited
Mr Pask	Redrow Homes East Midlands

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Murphy	Stansgate Planning
Mr Etchells	Jon Etchells Consulting
Mr Mattley	North West Leicestershire District Council
Mr Nelson	North West Leicestershire District Council
Mr Tyrer	Leicestershire County Council

### INTERESTED PERSONS:

Mr Woodward	Whitwick Parish Council
Mr Preston	local resident
Mrs Partridge	local resident
Mr Summerton	local resident
Mr Siddalls	local resident
Mr Spencer	local resident
Mr Sanders	local resident
Mr Carter	local resident

## **DOCUMENTS**

- 1 Community Infrastructure Compliance Statement.
- 2 Draft revised section 106 agreement.
- 3 Housing Land Supply Position Statement, North West Leicestershire District Council, 23 January 2017.
- 4 Leicestershire County Council statement in relation to planning obligations.
- 5 Leicestershire County Council supplementary statement in relation to monitoring costs contribution.
- 6 North West Leicestershire Local Plan – Publication Version, June 2016.
- 7 Appellant's Housing Land Supply table.
- 8 Appeal ref APP/X2410/W/16/3152082

## **PLANS**

- A North West Leicestershire Local, Proposals Map East (August 2002)
- B Publication Local Plan, Inset Map 10: Coalville Urban Area, Coleorton, Ellistown, Ravenstone and Swannington
- C Extract from figure 12, North West Leicestershire Character Assessment