



Appeal Decision

Inquiry Held 5 – 7 September 2017

Site visit made on 6 September 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 16 October 2017

Appeal Ref: APP/T2405/W/17/3168737

Land off Croft Road, Thorpe End, Cosby, 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 Ltd against the decision of Blaby District Council.
 - The application Ref 16/0639/OUT, dated 6 May 2016, was refused by notice dated 16 November 2016.
 - The development proposed is described as 'outline application for residential development (up to 200 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval)'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline, with all matters reserved for future consideration except for access. It was confirmed at the Inquiry that the application plans comprise a site location plan 5988-L-05 and the proposed site access drawing 003 D-WYG. An illustrative masterplan 5988-L-02 Rev G was also submitted to show how the site might be developed. I have had regard to the submitted plans in determining the appeal.
3. A completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (S106) was provided at the Inquiry. The S106 includes obligations relating to affordable housing, on-site open space and maintenance and a travel plan. It also includes contributions towards the provision of bus passes, bus stop improvements and travel packs, footpath improvements, education provision, library resources, health care provision and monitoring costs. At my request, the Council provided a Community Infrastructure Levy Regulations 2010 Compliance Statement in respect of planning obligations¹. However, as I am dismissing the appeal I shall not consider the adequacy of the S106 in my decision. Notwithstanding this I have taken into account the benefits that would accrue from the proposed development in reaching my decision.

Main Issues

4. In light of all that I have read, heard and seen, I consider the main issues to be:

¹ Document 17

- Whether the proposal would comply with policies for the location of new development:
- The effect of the appeal scheme on the character and appearance of the area; and
- Whether there are material considerations sufficient to outweigh any conflict with the development plan and any other harm arising from the development.

Reasons

Policy background

5. The development plan for the area comprises the Blaby District Local Plan (Core Strategy) Development Plan Document adopted February 2013 (Core Strategy) and the saved policies of the Blaby District Local Plan 1999 (Local Plan). The Council's reason for refusal cites four development plan policies, and there is no disagreement that these are the relevant policies for the appeal.
6. Core Strategy Policy CS1 sets out the strategy for locating new development in Blaby District. It includes, amongst other things, that most new development including housing will take place within and adjoining the Principal Urban Area (PUA) of Leicester. The Policy provides for a minimum of 8,740 houses to be delivered within the district between 2006 and 2029, of which at least 5,750 will be provided within or adjoining the PUA. Outside of the PUA, at least 2,990 houses will be developed, focused within or adjoining Blaby, Enderby, Narborough, Whetstone and Countesthorpe with lower levels of growth being allowed in the Rural Centre, Medium Central Villages (MCV) and Smaller Villages where the scale of development will reflect the settlements range of available services and facilities and public transport alternatives.
7. In order to focus new development in the most appropriate locations, Core Strategy Policy CS5 seeks to distribute housing between the defined settlements. Cosby is identified as one of five MCVs for which a combined provision for at least 815 dwellings is made.
8. The strategy for locating new development within the District in Policies CS1 and CS5 is therefore a comprehensive package designed to concentrate most of the District's new housing in or adjoining the PUA and have much less growth in the smaller settlements in accordance with the settlement hierarchy. The appellant considers that Core Strategy Policies CS1 and CS5 are 'out of date' in that their underlying assumptions date back to the mid-2000s, that they are based on 2004 household projections, the pattern of growth has not been reassessed since the mid-2000s and that the Core Strategy was prepared to be in conformity with the former East Midlands Regional Plan (RSS).
9. The Core Strategy was Examined after the National Planning Policy Framework (the Framework) was published and found sound and subsequently adopted. Furthermore, there is no dispute between the parties that the Council can demonstrate a five year supply of deliverable housing sites and I have not been provided with an alternative figure for an objectively based need for housing. Additionally, there is no substantial evidence to challenge the distribution of housing set out in the Core Strategy or the underlying spatial strategy and I have not been pointed to any change in National Policy in this regard.

Consequently, whilst the appellant contends that Policies CS1 and CS5 are 'out of date', I disagree.

10. Core Strategy Policy CS18 is concerned with the Countryside, which is defined as being areas outside of the limits to built development and designated Green Wedges and Areas of Separation. Whilst there was some discussion at the Inquiry as to the meaning of the Policy, I do not find it at odds with the Framework in that it seeks to balance the need to retain countryside against the need to provide new development including housing in the most sustainable locations. The Policy states that the detailed boundaries of Countryside will be determined through an Allocations, Designations and Development Management Development Plans Document (DPD). In paragraph 7.18.6 it is acknowledged that the boundaries to the countryside policy needs to be the subject of a formal review. The preparation of the DPD has commenced but is at an early stage and no reviewed Countryside boundaries are before me.
11. The Local Plan identifies the boundaries of the Countryside through saved Policy C2. I have taken into account that the Local Plan was adopted in 1999 and that unlike for the Core Strategy, there was at that time no need to provide further land for housing. Consequently, the boundaries of the Countryside as identified in the Local Plan do not reflect the housing requirements or distribution of development of the Core Strategy and are not based upon meeting the full objectively assessed housing needs as is required by the Framework in paragraph 47. Furthermore, saved Policy C2 is not consistent with policies for housing in rural areas as set in the Framework and takes a more restricted approach to housing in the Countryside.
12. I find therefore that saved Policy C2 is 'out of date' and inconsistent with the Framework. This has implications for the implementation of Core Strategy Policy CS18 in that in the absence of any reviewed Countryside boundaries, these are only expressed through the saved Local Plan Policy C2.
13. I have had regard to the appeal decisions in Blaby District² cited by the Council, and note that the Inspectors did not engage the 'tilted balance' arising from the presumption in favour of sustainable development as set out within the 4th bullet point of paragraph 14 of the Framework. However, I do not have the same evidence before me as did those Inspectors and have reached my conclusions on the balance of evidence in this case. I also agree that the circumstances of this case are different to that I determined at Heather³ in terms of the number of relevant policies for the appeal. As there is a five year supply of deliverable housing sites, paragraph 49 of the Framework does not provide a route to the tilted balance in this case.
14. Nevertheless, although I find the relevant Core Strategy policies up to date, saved Local Plan Policy C2 is out of date. As a relevant policy, through which the boundaries of the Countryside and indeed the boundaries of the settlements listed in Core Strategy Policies find their only expression in the development plan, I consider that the tilted balance is engaged.

² APP/T2405/A/13/2200867; S62A/2014/0001; APP/T2405/W/15/3035677 and APP/T2405/W/16/3164730

³ APP/G2435/W/17/3166865

The strategy for locating new development

Urban concentration strategy

15. The Core Strategy in Policies CS1 and CS5 broadly adopt the principle of 'urban concentration'. The split between the housing requirements for within and adjoining the PUA and outside the PUA reflects the figures of around 65% and 35%, as per the former RSS requirement. However, no maximum targets or percentage splits are set. For the plan period to date, the number of completed dwellings in the PUA as of 1 April 2017 is 1,325 whilst for outside the PUA, the figure is 2,554. There is no dispute between the parties concerning these figures. To date therefore, there has been around twice the number of completions outside the PUA than inside, the opposite of what is intended.
16. Core Strategy Policy CS3 is concerned with the provision of a major mixed use development in the PUA in the form of a Sustainable Urban Extension (SUE) at Lubbethorpe. The Core Strategy anticipated that the SUE would start to deliver housing in 2014/15, but I note from Mr Murphy's proof that the first homes were completed in 2016/17, with key infrastructure for the scheme being completed recently. This inevitably has had an effect on the delivery of housing in the PUA given that the SUE is a key element in housing supply. The evidence before me⁴ is that the provision of housing in the PUA is projected to increase significantly in the next 5 years.
17. In terms of the combined total of dwellings built and commitments, as of 1 April 2017, there is no disagreement that the figures are 6117 dwellings (about 62%) for the PUA and 3721 (about 38%) outside the PUA. These figures include a scheme for up to 180 dwellings at Cambridge Road, Cosby⁵ for which the Council has resolved to grant planning permission subject to a S106 Agreement being completed, but do not include a scheme for up to 125 dwellings at land south of Hinckley Road, Sapcote⁶ which the Council similarly resolved to grant planning permission for.
18. The total provision of dwellings built and committed in the plan period to date is in excess of that set out as the minimum for the District in Policy CS1 for the whole plan period, for both within and adjoining the PUA and outside of the PUA. Any such provision over the minimum figures must be seen in the context of housing policies of the Framework which include amongst other things to boost the supply of housing and deliver a wide choice of high quality homes. Despite the actual delivery to date, I am satisfied on the basis of the completions and existing commitments combined, that broadly the urban concentration strategy as set out in Policy CS1 is on track at this point in the plan period.
19. Mr Alsbury in his proof sets out that the effect of the appeal scheme would be to increase by 1 percentage point the proportion of new dwellings outside of the PUA relative to within or adjoining it. In terms of Core Strategy Policy CS1, if I were to allow the appeal, most new housing development in the plan period to 2023 would still take place in the PUA, with a number of years of the plan period still to run beyond the present identified housing supply. Whilst the

⁴ Appendix 9 to Mr Murphy's proof

⁵ Council Ref: 16/0216/OUT

⁶ Council Ref: 17/0247/OUT

appeal scheme would marginally alter the balance, on its own it would not significantly prejudice the delivery of the principle of urban concentration. However, the cumulative effect of allowing similar schemes outside the PUA, including that at Sapcote would be to undermine the spatial strategy and have a significant effect on the balance between housing in and around the PUA and elsewhere.

Distribution of development

20. Policy CS5 sets out minimum housing requirements for the settlements in the hierarchy and should be read with Policy CS1. Paragraph 7.5.2 of the Core Strategy explains that the target figures are provided to inform the scale and distribution of housing growth. The requirement for the MCVs is a combined figure of at least 815 dwellings. The total dwellings built and committed as of 1 April 2017 in the MCVs exceeds this minimum by 280 dwellings. Whilst I note that only at Elmesthorpe and Narborough are the minimum requirements not exceeded, if the appeal scheme were to be allowed, the total dwellings for the MCVs committed would exceed significantly the combined figure set out in Policy CS5 by about 59% (and not including those which the Council has resolved to approve at Sapcote).
21. Core Strategy Policy CS5, following on from Policy CS1 distributes housing growth so as to focus new development in the most appropriate locations, with lower levels of growth for the rural centre, MCVs and smaller villages than the identified larger settlements to reflect the range of available services and facilities and public transport alternatives. Whilst the distribution figures are expressed as being 'at least' and do not set limits on the amount of development, the level of exceedance which would result is nevertheless significant and would increase the percentage of new dwellings provided in the smaller settlements relative to the larger ones outside of the PUA. This is clearly counter to the strategy of the development plan. The cumulative effect of further housing development being permitted in the MCVs would also be to undermine the spatial strategy and have a significant effect on the balance between housing in and around the PUA and elsewhere.
22. At the Inquiry, the Council put questions to Mr Alsbury as to whether a 'tipping point' had been reached in terms of exceedance of the minimum dwelling target for MCVs. Whilst there is no evidence that such an exceedance is prejudicing housing development in the other settlements both within and outside of the PUA, such a significant excess in provision in the MCVs is clearly in conflict with aims underlying Policies CS1 and CS5 and the evidence before me is that the excess over the minimum provision will increase with the addition of the scheme at Sapcote. The appeal proposal is therefore in conflict with the distribution of development as set out in the Core Strategy.

Settlement Hierarchy

23. I turn now to the suitability of Cosby to accommodate the proposed development in terms of services, facilities and public transport. The Council's Settlement Hierarchy Report 2010⁷ (part of the evidence base for the Core Strategy) ranks settlements based upon availability of key services and facilities available, public transport and access to large scale employment opportunities. Cosby is ranked as the 16th most sustainable settlement in the

⁷ Inquiry document 4

- district, having all but a number of essential services and facilities but with limited access to employment opportunities and a bus service with a poorer than 20 minute frequency.
24. I have had regard to the evidence of the appellant that services, facilities and bus services have improved in Cosby since the settlement hierarchy report was produced. I note that Cosby presently has a bus service to and from Leicester City centre with a frequency of 20 minutes during much of the day on weekdays and that whilst employment opportunities within the village are limited, the appeal site is within 2 kilometres of the industrial estates at Whetstone, which are served by buses from the village. I saw at my site visit that the industrial areas are within comfortable walking distance of the village along lit footpaths and within reasonable cycling distance.
25. Core Strategy Policy CS1 includes that lower levels of growth will be allowed in MCVs where the scale of development will reflect the settlements range of available services and facilities and public transport alternatives. Policy CS5 sets out the distribution hierarchy for the plan. Whilst the provision of some services and facilities in Cosby may have improved since 2010, I am not convinced that given the continuing level of employment opportunities, lack of medical services within the village and overall range of services and facilities, that any such changes which may have taken place are significant nor should weigh significantly against the settlement hierarchy of the development plan.
26. The Council assert that the appeal proposal would result in unsustainable patterns of vehicular movement as a large number of future households travel to higher order settlements for services and facilities. However, Core Strategy Policy CS10 is not identified as being a relevant policy in the reason for refusal and the statement of common ground sets out that it is agreed that there is no conflict with the Policy.
27. I have had regard to the document 'Neighbourhood: establishing the development needs of Cosby'. However, it is clear that services and facilities at Cosby are not in decline, despite the levels of housing completions that have taken place in the plan period to date. Additionally, on the balance of evidence, I am not convinced that an aging population will significantly undermine the vitality of the settlement. Whilst there is capacity in terms of school places at Cosby, I understand from the evidence of Mr Limb of Leicestershire County Council, that there is forecast to be an overall deficit in primary school places in the area. In any event, the Cambridge Road scheme of up to 180 dwellings would give rise to a significant increase in the provision of dwellings at Cosby, not that dissimilar to the appeal scheme.
28. I find therefore the appeal scheme to be contrary to the settlement hierarchy as set out in Policy CS5

Conclusion on the strategy for locating new development

29. To conclude on this matter, I find that the appeal proposal would be at odds with the distribution of development in the District and the settlement hierarchy as set out in the development plan through the combination of Policies CS1 and CS5 and therefore conflict for the policies for the location of new development.

Character and appearance

30. The appeal site consists of about 9.8 hectares of agricultural land situated to the west of Cosby. I saw at the site visit that the appeal site was predominantly planted with arable crops with the remainder used for the grazing of horses. The irregularly shaped appeal site bounds dwellings on Lady Leys, Cosby to the south east with Croft Road to the south from which it is screened by a substantial hedge. The boundary to the north east is undefined, whilst the site boundary to the west is open. Other boundaries both internal and external are defined by hedgerows or small plantations.
31. The Local Plan identifies the appeal site as being countryside. It is common ground between the parties that the appeal site is not a valued landscape and I agree with Mr Holliday for the appellant in that whilst the site is pleasant, it is not of any particular scenic quality.
32. The appeal site falls within two of the landscape character areas defined in the Blaby District Landscape Character Assessment (LCA)⁸ the eastern part of the site within the Blaby Countesthorpe and Whetstone Fringe LCA (BCWF) and the western part within the Cosby Agricultural Parkland (CAP) LCA. The BCWF LCA has as one of its key characteristics that the edges of Countesthorpe, Whetstone and Cosby have strong urban fringe characteristics which corresponds with what I saw on site. The LCA also identifies that continuing pressures to expand the urban edges is increasing the urban influence and that settlement encroachment is a key issue, especially as landscape is important in protecting the separate identities of settlements.
33. The CAP LCA is characterised as having little urban influence, consisting predominantly of agricultural land, large farmhouses and associated estate grounds of a uniform character. A key pressure identified in the LCA is the expansion of the fringes of Cosby beyond robust and mature landscape boundaries.
34. Although all matters are reserved except for access, the appeal scheme would alter permanently the character and appearance of the appeal site through the extension of the urban area, introduction of urban development including amongst other things dwellings, domestic paraphernalia and street lighting into an area which is presently countryside. Whilst this would increase the amount of settlement in the BCWF LCA, given the location of the proposed development, it would not however appreciably erode the separate identities of settlements. Consequently, the effect upon the character of the BCWF LCA would be limited.
35. Whilst layout and landscaping are not matters before me, the indicative masterplan illustrates a scheme where open space and planting could provide robust boundaries to the extended settlement and the development of a small proportion of land on the edge of the CAP LCA in such a way it should not give rise to significant adverse effects for the LCA as a whole. Compliance with saved Local Plan Policy CE22 which is concerned with landscaping is more properly an issue for any reserved matters proposal.
36. I have had regard to comments by interested persons that the appeal scheme could give rise to a loss of places for people to walk and change the character

⁸ Inquiry document 18

of the village and cause loss of the existing field pattern. The indicative masterplan indicates that the existing footpath and hedgerows would be retained and additional paths formed within open space areas. Whilst these matters would be for future consideration, I am satisfied that the appeal site could be developed satisfactorily in these regards.

37. In terms of appearance, the provision of the site access on Croft Road would open up views into the site which are not presently available and change the experience for people travelling along Croft Road into the village. The experience for people walking through the site on footpath W40 would change from one of walking through agricultural land to housing and open space. Similarly, the outlook for residents at Lady Lays adjacent to the appeal site would also be altered. This would give rise to some limited visual harm.
38. I find that the appeal scheme would give rise to limited harm to the character and appearance of the countryside. In this respect the appeal scheme conflicts with Local Plan Policy C2. In regards to Core Strategy Policy CS18 although the site is within the countryside, any conflict with Core Strategy Policy CS18 depends on the balance between retention of the countryside and the need to provide for housing in the most sustainable locations.

Other matters

Market and affordable housing

39. The appeal scheme would provide market and affordable housing and, although the minimum targets set in Core Strategy Policy CS1 are met and that there is a 5 year supply of deliverable housing sites, would assist in meeting the policies of the Framework to boost the supply and deliver a wide choice of quality homes, including bungalows. It is common ground between the parties that the development would help meet the need for affordable housing in the District and the significant high need for affordable housing in the Parish of Cosby. The Core Strategy in Policy CS7 sets out that the Council will seek a minimum of 25% of the total number of dwellings to be affordable housing on all developments of 15 dwellings or more. The appeal scheme meets this requirement.
40. Mr Alsbury, in his proof, sets out for the plan period up to 2015/16, completions of affordable housing were 105 units short of the target of 850, based on 85 dwellings per annum. Given the point reached in the plan period, that the figures show that the completions of affordable housing have increased in recent years and the evidence that a greater proportion of housing which will come forward in the PUA and SUE than to date, I am not convinced that there should be under provision of affordable housing against Core Strategy requirements over the plan period. I have had regard to the appellants' comments regarding the need for affordable housing in the District as set out in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) is far greater than that set out in the Core Strategy. I note however that the HEDNA data for Blaby has not been subject of consultation nor be subject to any independent examination and therefore give it limited weight.
41. Whilst affordable housing would also be provided through the Cambridge Road scheme in Cosby, the provision of 25% affordable housing (up to 50 dwellings) would be a significant benefit of the appeal scheme. I have also had regard to

the comments that appellant is an experienced house builder and that development of the appeal scheme could commence in around 18 months and deliver about 40 dwellings per annum.

Other benefits

42. Whilst the appeal scheme is in outline, the indicative master plan shows that areas of open space, planting and landscaping would be provided with most trees and hedges retained. Whilst the loss of countryside would give rise to some harm, there would nevertheless be some benefits in terms of biodiversity to consider in the overall balance.
43. The appeal scheme includes a number of transport measures which would be necessary to make the development acceptable in planning terms should I be minded to allow the appeal. The improvements to footpaths in the area, bus stop improvements and provision of traffic calming measures would also be benefits to the wider community. In regards to footpath improvements, it is acknowledged from the evidence of Elaine Wakelam for Cosby Parish Council that some of the access route improvements may not prove to be deliverable due to concerns regarding anti- social behaviour. However, this would not significantly prejudice the scheme to improvement footpaths as a whole.
44. I have had regard to the capital investment in the local area during the construction period, the evidence regarding jobs being created in construction and the supply chain, the increased consumer spend in Cosby and wider area which would support local services and the financial contributions from the New Homes Bonus and increases in dwellings for Council Tax purposes.
45. Whilst future residents of the appeal scheme would have access to the services and facilities in the village and local area, given my findings in terms of the settlement hierarchy, I consider that such accessibility is a neutral factor in the planning balance.

Best and most versatile agricultural land (BMV)

46. It is common ground that the proposed development would result in the loss of 9.8 hectares of best and most versatile agricultural land. Naturally, the loss of BMV land would be undesirable in view of the fact that BMV is a finite resource. Given the scale of BMV land which would be lost as a result of the appeal scheme, on the balance of limited evidence before me regarding the economic and other benefits of the BMV land, I find that the loss of such land would carry moderate weight against the development in the planning balance.

Consistency

47. Consistency in the planning process is important and I have had careful regard to the Inspectors' decisions and decisions by the Council put to me. I do not however have the same evidence before me as in those cases and consequently cannot judge fully the extent to which the circumstances and considerations are materially different. Specifically however, the appellant has drawn my attention to the housing developments at Cosby and Sapcote which the Council has resolved to grant planning permission for since it determined the application for the appeal proposal.
48. The Cambridge Road Cosby scheme relates to land adjacent to Cosby, which I understand to be in part previously developed land and subject to an Area of

Separation designation in the development plan. I have had regard to the conclusions of the Council that the scale of development proposed was not considered to be excessive for Cosby. Whilst the circumstances of this scheme are clearly different to that before me, it has nevertheless contributed to the exceedance of the minimum distribution of dwellings for MCVs. Although the appellant has questioned whether the scheme would be delivered, there is no substantial evidence that the proposal will not come forward, and it is not disputed that the scheme should be included within the figure for committed dwellings.

49. Mr Murphy explained at the Inquiry that the Council in reaching its decision, gave weight to the scheme at Hinckley Road, Sapcote acting as an infill site between different parts of the settlement and improving connections. I have had regards to the appellant's comments regarding bus services at Sapcote.

Planning balance

50. I have found conflict with saved Local Plan Policy C2 and Core Strategy Policies CS1 and CS5. Core Strategy Policy CS18 includes that the need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations, which are identified through Core Strategy Policies CS1 and CS5. In this case the minimum housing requirements for the District and the MCVs is met and there is a 5 year supply of deliverable housing sites. Whilst I have found that there would not be significant adverse effects on the character and appearance of the area, I consider that on balance, the appeal scheme conflicts with Policy CS18.
51. I consider that the appeal proposal through the identified conflict does not accord with the development plan as a whole. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004.
52. I apply the relevant Core Strategy Policies full weight. I must also consider the weight to be attached to Local Plan Policy C2. Due to the out datedness of the limits to built development and degree of inconsistency identified with the Framework, I afford this policy little weight. I take this into account in the overall balance in the context of the conflict identified with Core Strategy Policy CS18.
53. I consider that the tilted balance as set out in Paragraph 14 of the Framework applies. This indicates that where relevant policies are out of date 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 taken as a whole. The Framework is an important material consideration.
54. The appeal scheme would provide benefits in terms of market and affordable housing and would assist in meeting the policies of the Framework to boost the supply and deliver a wide choice of quality homes, including bungalows. It is common ground between the parties that the development would help meet the need for affordable housing in the District and the significant high need for affordable housing in the Parish of Cosby. This is a significant benefit of the appeal scheme. The appeal scheme provides for improvements to the bus stop and in respect of footpath upgrades which would be minor benefits of the

scheme. The proposed development would also provide economic benefits in terms of jobs and spend during construction, through the New Homes Bonus, Council Tax and increased spend in the area as a result of the increase in population.

55. On balance, I find that the identified conflict with the policies for the location of new development, with the limited harm to the character and appearance of the area and loss of BMV land significantly and demonstrably outweigh the benefits of the appeal scheme. Consequently the proposal would not represent sustainable development as defined in the Framework.
56. Whilst I have had regard to the Council decisions at Cosby and Sapcote, even if I found that circumstances are similar to that before me, given the harm in this case found these are not decisions which should inevitably be followed.
57. Overall, taking account of the Framework and the benefits of the development and all other matters raised, I find that material considerations do not indicate that planning permission should be granted for the development, which is in conflict with the development plan.

Conclusion

58. For the above reasons, the appeal is dismissed.

Philip Lewis

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smythe of Counsel

Instructed by Louise Horton

He called:

Andrew Murphy BA
(Hons) MSc MRTPI

Stansgate Planning Consultants

Matt McConville

Blaby District Council (took part in the discussion
on conditions and planning obligations)

FOR THE APPELLANT:

Christopher Lockhart-Mummery
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Instructed by GVA

He called:

Craig Alsbury BA (Hons)
BTP MRTPI

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Gary Holliday BA (Hons)
MPhil. CMLI

FPCR Environmental and Design Limited

FOR RULE 6 PARTY LEICESTERSHIRE COUNTY COUNCIL:

Ruth Lea

Solicitor Leicestershire County Council

She called:

Paul Limb

Education Officer Leicestershire County Council

Andrew Tyrer

Leicestershire County Council (took part in the
discussion on conditions and planning
obligations)

INTERESTED PERSON:

Elaine Wakelam

Clerk to Cosby Parish Council

DOCUMENTS

- 1 Written statement by Cosby Against Rural Development
- 2 Blaby District Council suggested planning conditions
- 3 Draft copy of the S106 Agreement submitted by the appellant
- 4 Blaby District Council Settlement Hierarchy Report submitted by the appellant
- 5 Summary Proof of evidence for Mr Craig Alsbury
- 6 North West Leicestershire Local Plan Written Statement extracts re Policy S3 submitted by the appellant
- 7 Appeal decision APP/G2435/W/17/3166865 Land at Swepstone Road, Heather Leicestershire LE67 2RE submitted by the appellant
- 8 Blaby District Council Local Plan Housing policies and proposals submitted by the appellant
- 9 Blaby District Local Plan (Core Strategy) Development Plan Document extracts submitted by the appellant
- 10 Updated plan of services and facilities at Cosby submitted by the appellant
- 11 Updated proof of evidence and CIL compliance statement and associated bundle of documents submitted by Mr Tyrer Leicestershire County Council
- 12 Opening statement on behalf of the appellant
- 13 Opening submissions on behalf of the Council
- 14 Extract from the Report on the Examination into the Blaby District Local Plan (Core Strategy) submitted by Council
- 16 Statement of Elaine Wakelam on behalf of Cosby Parish Council
- 17 Blaby District Council Compliance Statement in respect of planning obligations
- 18 Blaby District Landscape Character Assessment extracts submitted by the Council
- 19 Blaby District Council note regarding planning applications with a resolution to approve but have not been determined
- 20 Certified copy of the completed S106 agreement submitted by the appellant
- 21 Updated list of planning conditions submitted by the Council
- 22 Closing submissions on behalf of the Council
- 23 Closing submissions on behalf of the appellant