



Appeal Decision

Inquiry Held on 9-12 January 2018

Site visit made on 12 January 2018

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/J2210/W/17/3175031

Land adjacent to Old Thanet Way, Whitstable, Kent

- 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 Quinn Estates Ltd and George Wilson Developments Ltd against the decision of Canterbury City Council.
 - The application Ref CA/16/02269/FUL, dated 26 September 2016, was refused by notice dated 23 December 2016.
 - The development proposed is 28 dwellings (including 30% affordable), public open space and associated access, parking, amenity space and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice cited seven refusal reasons (RRs). The majority of these were later withdrawn by the Council, either at or shortly before the start of the inquiry, in response to the appellants' submission of further details, amended plans, and a Section 106 undertaking. The withdrawn RRs related to various matters including on- and off-site ecological impacts, local infrastructure, car parking and surface water drainage.
3. The amended plans submitted included a revised parking layout, and consequential changes to some of the proposed housetype plans. There were also some changes to proposed landscape treatments, resulting from more detailed ecological mitigation proposals. All of these changes are minor in nature, and I am satisfied that no-one would be prejudiced by them. I have therefore dealt with the appeal on this basis.
4. The Section 106 undertaking provides for affordable housing, on-site public open space, highway works, and financial contributions to off-site open space, off-site ecological mitigation, libraries, and primary education. These obligations are conditional upon their acceptance by the appointed Inspector, but none is otherwise contested by any party.
5. The two remaining RRs are RR1, relating to the loss of protected open space, and RR5 relating to housing mix. With regard to RR1, the Council confirmed at the inquiry that the reference to the appeal site lying outside the urban boundary was erroneous. In the case of RR5, the Council also confirmed that its concerns now relate only to the mix of sizes, and no longer to matters of tenure.

6. In July 2017, after the date of its decision on the appeal scheme, the Council adopted a new local plan, the Canterbury District Local Plan (the CDLP). The CDLP replaces the earlier local plan, adopted in 2006. As a result, some of the policies referred to in the Council's refusal notice are now superseded. I have based my decision on the newly adopted policies of the CDLP.

Relevant Planning Policies

7. In the CDLP, the appeal site lies within the urban area of Whitstable, and forms part of an area designated as 'protected open space', under Policy OS9. This policy seeks to protect open spaces within the urban area which contribute to visual or recreational amenity.
8. Policy SP4 states that the urban areas of Canterbury, Herne Bay and Whitstable are to be the principal focus for development. Within them, new housing will be supported on suitable sites, where this would be acceptable in terms of environmental and other factors, and where it would not result in the loss of sites identified for other specific uses.
9. Policy SP2 sets out the District's overall housing requirement, and states that the mix of housing types and tenures are expected to conform to the Council's Housing Strategy.

Main Issues

10. In the light of the above, and all the submissions made, the main issues in the appeal are now as follows:
- whether the Council is able to demonstrate a 5-year supply of land for housing;
 - whether the proposed development would comply with CDLP Policy OS9, relating to protected open space;
 - and whether the scheme would provide an acceptable mix of housing types and sizes.

Reasons for Decision

Housing Land Supply

Background

11. The CDLP Examination hearings closed in September 2016, and the Inspector's Report was published in June 2017. In that report, the Inspector accepted a housing land supply calculation of 5.34 years, based on a 5 per cent buffer and the 'Liverpool method' (i.e. phasing the past shortfall over the whole of the remaining plan period). Around two-thirds of the overall supply was to be provided on 12 new strategic site allocations.
12. Subsequently, in September 2017, the Council published a Housing Land Supply Statement, which updated the position to a base date of 1 April 2017, and looked ahead to the 5-year period 2017-22. Adopting the same 5% buffer and Liverpool methodology, this Statement calculated a residual requirement for 5,030 dwellings, and a deliverable land supply within the relevant period of 6,753 units, equating to 6.71 years' supply.

13. At the present inquiry, both the Council and the appellants agreed that since April 2017 there had been some slippage in the lead times for a number of the strategic sites. Although there were some minor differences between the parties as to where this was likely to occur, and the effects on individual sites, an adjustment of 726 units was eventually agreed, representing the overall slippage across all 12 strategic allocations. This reduces the maximum deliverable supply to 6,027 units, or a surplus of 997 units. On this basis the supply would be about 6.0 years¹.
14. The appellants challenge the requirement side of this calculation on grounds relating to the Liverpool method, and the size of the buffer; and the supply side is contested with regard to build-out rates. However, all of these matters were examined fairly recently in the context of the CDLP Examination. I agree that this does not mean that they are immune from being re-opened, and certainly the appeal must be considered in the light of the best evidence now available. But the Examination report, being only a few months old, remains an important part of that evidence, and by its very nature carries substantial weight. I have therefore considered the appellants' criticisms in this context.

Liverpool or Sedgefield

15. Housing completions in the first few years of the CDLP period, since 2011, have so far been generally below the annual rate needed to meet the plan's overall requirement. The Planning Practice Guidance (PPG) advises that where possible, a previous shortfall in housing delivery should be made up within five years. This advice would tend to support using the 'Sedgefield' method, rather than Liverpool, in most cases.
16. In Canterbury however, the CDLP Inspector accepted the Liverpool method because of the large proportion of housing that was dependent on critical infrastructure, and the effect of this on lead times, delaying the first completions on some sites until years 4 and 5. To my mind, this reasoning has some logic, because it is important that plans are realistic. And although since the Examination the timescales for some of the larger sites have slipped somewhat, if the same logic is applied, this could be seen as a further justification for the Inspector's cautious approach.
17. I accept that there are other ways of looking at this issue. If the Sedgefield method is applied, on the Council's own figures, there would no longer be a 5-year supply, and this would then support bringing forward additional smaller sites, with less onerous infrastructure requirements, such as the present appeal site. Such sites could be started more quickly, helping to make up the present shortfall sooner, and boosting supply in line with the aims of the National Planning Policy Framework (the NPPF).
18. But that approach would be a departure from the strategy favoured by the CDLP, and endorsed by the Inspector, which is to meet the District's housing needs over the course of the plan period as a whole. As with any plan, there is no guarantee that this strategy will succeed, but at this stage, it is far too early to make any judgement as to the likelihood of failure. Support for the principles of the plan-led system is also a cornerstone of the NPPF. For these reasons, I do not consider it appropriate to substitute the Sedgefield method for Liverpool in this appeal.

¹ Rounded from 5.99 years

The buffer

19. The question of a 5% or 20% buffer is a different matter. The CDLP Inspector acknowledged that recent completion rates had been below those envisaged in the emerging plan, but taking a longer term view he found that the Council's cumulative housing delivery record was good. In coming to that view, he had the benefit of actual completions data only up to 31 March 2015. Although he also had estimates or forecasts for the subsequent years, there is nothing to suggest that these formed part of his reasoning. For the present appeal, the completions data before me relates to the years 2011-17.
20. I agree with the Council that, for the purposes of assessing whether persistent under-delivery has occurred, it would not be correct to measure the delivery achieved in the earlier years against targets which have been decided only subsequently. However, by 1 April 2013, the former South East Plan (the SEP) had been revoked, and from then until the adoption of the CDLP in 2017, the most appropriate target should have been the objectively assessed need (OAN). This was identified initially as 600-700 dpa in the Council's Development Requirements Study in January 2012, then revised upwards to 780 dpa in the submission draft of the CDLP in June 2014 and then increased to 800 dpa by the Inspector's interim report in August 2015. Actual completions in each of the years 2013-17 have fallen well short of these levels.
21. In the two earlier years, 2011-13, completions slightly exceeded the SEP requirement which was then in force, but over the whole period 2011-17 there has been a significant cumulative shortfall. I note that the Council also claims a good delivery record prior to 2011, but I have no details of that period, and anyway I consider that it is the period from 2011 onwards that is now the most relevant.
22. In some of these respects therefore, the situation has now moved on since the CDLP Inspector's report, notably in the availability of more up to date information. On this basis, it seems to me that over recent years there has been persistent under-delivery of housing, and as a result, the buffer should be increased to 20%.
23. Based on the alternative figures that are conditionally agreed in the Statement of Common Ground, this increases the 5-year requirement to 5,750 dwellings, and reduces the surplus to 277. This adjustment reduces the calculated land supply to 5.24 years.

Build rates

24. On the strategic allocation sites, the peak annual building rates relied on by the Council range from 50 dpa on some of the smaller sites, to 300 dpa on the largest site at South Canterbury. In between these, the majority of the other strategic sites are required to deliver between 80-100 dpa.
25. In several cases, these rates exceed the national averages achieved by sites of similar sizes, as found in research by Nathaniel Lichfield & Partners (NLP)². They also exceed most housebuilders' own sales figures, as contained in their company annual reports. In the case of South Canterbury, the Council's figure exceeds all but one of the highest recorded average rates on any other site in the country. The Council itself is unable to point to more than a handful of

² 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver?'; NLP, Nov 2016

sites in Canterbury that have ever produced more than 50 dpa, even in a single year, let alone consistently.

26. These submissions have some force. There is little doubt that, even on a site-by-site basis, the assumptions set out in the Council's 5-year supply trajectory tend towards the optimistic. And in addition, since the sites will be in competition with each other, it would not be surprising if this were to have some effect on what can be delivered in total. But nonetheless, as the St Modwen judgement³ makes clear, the purpose of the 5-year supply calculation is not to predict how many houses will be delivered, but only to show how many could be. That exercise does not require certainty. Instead it requires only a realistic prospect, and that is a significantly lesser test.
27. It is common ground that the building rates that can be achieved on any particular site are in part related to the site's overall capacity and the likely number of separate housebuilder outlets. In this case two of the strategic sites exceed 1,000 units in total, and on the appellants' evidence, these could potentially support three or more outlets each. Six of the other sites are between 500 - 1,000 units, and could support at least two outlets each. There is general agreement that the demand for housing in Canterbury is reasonably strong. On this basis, although the Council's assumptions may be optimistic, there is no conclusive evidence that they are unachievable.
28. Furthermore, the building rates that the Council rely on now are broadly similar to those that were before the Inspector at the CDLP Examination, and nothing in his report suggests that he found these unrealistic. I accept that the Inspector would not have had the benefit of the November 2016 NLP report, nor the Council's evidence on sites that have produced more than 50 completions in a year. But it is clear that he did have a good deal of evidence from a large number of parties, and that issues relating to delivery and building rates were raised in their submissions; indeed, these matters are a common feature at most such examinations. I see no reason to doubt that the Inspector in this case was adequately informed. Although some of the circumstances relating to individual sites may have changed since the CDLP Examination, those changes are taken account of in the agreed adjustment for slippage. I am not aware of any other changes that might specifically affect the annual build rates.
29. In any event, for the reasons already explained, I consider that the Inspector's report, and his conclusions on these matters, should carry significant weight. In the absence of compelling evidence to the contrary, I see no good reason to depart from his approach, or his conclusions, so soon after the completion of the local plan process.
30. There is no guarantee that the identified sites will deliver housing at the rates required to match the Council's trajectory. But if they do not, on the evidence before me, this will not be because of any currently known physical, legal or other impediment, other than those already accounted for elsewhere in the land supply calculations. In all the circumstances, I conclude that the 'realistic prospect' test is met, and the numbers of dwellings set out in the trajectory are 'deliverable', within the terms of the NPPF⁴. I therefore see no need for any further deduction from the supply side of the Council's calculations.

³ St Modwen Developments Ltd v SSLG [2017] EWCA Civ 1643

⁴ NPPF footnote 11

Other matters relating to housing land supply

31. Paragraph 1.76 of the CDLP commits the Council to carrying out an early reassessment of the district's housing needs, in the light of the latest demographic evidence, including the 2014-based sub-national household projections which were published too late to be taken into account in the CDLP Examination. This reassessment is required to be published within one year, which means by July 2018. If this shows a need for a partial review of the CDLP itself, then this is required to be commenced by July 2019.
32. Whether such a review takes place then or later, it seems likely that it will have to take into account not just the 2014-based projections and any later ones, but also the Government's proposed new standard methodology for setting housing requirements. There is therefore the possibility that the district's housing target will increase. However, these are matters for that future review, whenever it may come, and it is not possible to anticipate what their effect may be. For the present, these do not have any bearing on the 5-year supply calculation.

Conclusion on housing land supply

33. For the reasons explained above, I conclude that the requirement side of the assessment should be amended to incorporate a 20% buffer. However, no other adjustments are needed. This results in a 5-year requirement for 5,750 dwellings, with an unchanged supply of 6,027 dwellings. The surplus is therefore 277 units, and the supply equates to 5.24 years.
34. Whilst this adjustment results in a smaller margin than originally argued by the Council, the NPPF requirement for a 5-year supply of deliverable sites is more than satisfied. It follows that NPPF paragraph 49 is not engaged, and no policies are rendered out-of-date on this basis.

Protected Open Space Policy

Policy OS9

35. CDLP Policy OS9 is headed 'Protection of Existing Open Spaces'. The spaces that are protected by it are identified on the proposals map as 'Protected Open Spaces'. All of the sites thus identified are within the urban area boundaries. The appeal site is one of a number of the protected spaces that are located along the north side of Thanet Way, forming an almost continuous green corridor, albeit with some gaps, over a length of about 3 km.
36. The policy's explanatory text, at CDLP paragraph 11.56, states the Council's desire to prevent the loss of the protected open spaces, either publicly or privately owned, for their contribution to recreational and visual amenity. Paragraph 11.57 highlights the protected spaces' role in enhancing the built environment and the quality of life. Paragraph 11.59 envisages that any development may need to be justified by exceptional circumstances.
37. Paragraph 11.61 refers in particular to the spaces lying alongside Thanet Way. These are seen as part of a larger entity, which has coherence, and acts as a highway buffer for nearby residents; development on these sites is therefore to be resisted.

38. The criteria in sections (a) - (d) of the policy set out various circumstances under which development on protected open spaces will be permissible. However, read in the context of the CDLP as a whole, it is clear that Policy OS9's main purpose is to give the designated sites protection from development.
39. The present proposal seeks to develop the greater part of the appeal site, with housing, roads and private gardens. This would be a form of development clearly incompatible with its designation as open space. The appeal scheme therefore conflicts with Policy OS9's main aim, and in this respect is contrary to the development plan. Nevertheless, the various exclusions and exceptions in criteria (a) - (d) are considered further below.

Criterion (a): the effects on visual or recreational amenity

40. Criteria (a) and (b) of Policy OS9 are designed to apply in tandem rather than separately. However, looking initially at (a) on its own, the criterion potentially allows an exception, in cases where development would not materially harm the site's contribution to visual or recreational amenity. In the case of the appeal site, there is no public access to the land, and it therefore has no recreational function. The issue under criterion (a) is therefore confined to one of visual amenity.
41. I tend to agree with the appellants that the appeal site is not particularly attractive. Essentially it is a fairly featureless strip of poor-quality paddock and scrubland, surrounded by urban development. The interior of the site is not widely visible, except from limited viewpoints. But Policy OS9 is not a landscape-based policy, and neither is protected open space a landscape designation. These qualities, of attractiveness and visibility, are therefore not necessarily the most relevant.
42. To my mind, what Policy OS9 is principally concerned with is openness. In the case of the Thanet Way sites in particular, their openness is the quality that unites all of the open spaces along this corridor, and gives them the sense of coherence that is identified as a major reason for their designation. Together these sites create a sense of spaciousness alongside the main road, and form an open buffer to it. These functions do not depend on the individual sites being visually attractive, or their interiors being highly visible. Consequently, the appeal site's contribution to visual amenity turns primarily on its openness, rather than any other attribute.
43. I appreciate the detailed analysis that has gone into the appellants' landscape evidence. In the main, I see no reason to disagree with the conclusions of that work, in so far as they relate to the site's landscape and visual character. Neither do I disagree that the appeal scheme offers a reasonably high quality of design and layout. But these matters do not change my view that, for the purposes of the policy in question, the site contributes to visual amenity through its openness. The appeal proposal would result in that openness being largely lost, and it follows that the scheme would thus cause visual harm.
44. I conclude that, with regard to criterion (a) of Policy OS9, the proposed development would cause material harm to the appeal site's contribution to visual amenity. As such, it does not fall within the scope that this section provides, for exceptions to the general policy of protection for the designated open spaces.

Criterion (b): the site's contribution to the overall open space strategy

45. Criterion (b), read on its own, provides for development on a protected open space to be permitted, where the site makes no contribution to the Council's overall open space strategy. In this context, it seems to me that the overall strategy which is referred to must include the policies of the CDLP, including Policy OS9 itself.
46. As set out above, the appeal site forms part of the sequence of open spaces alongside Thanet Way, that Policy OS9 seeks to retain. It is evident from the CDLP text that the Council places a value on the coherence and buffer role of these spaces, and sees it as important that they remain open. This aspiration is embodied in the adopted policy. For the same reasons as before, I consider that the appeal site does contribute to the policy's aims, and thus also to the overall open space strategy.
47. I accept that the reference to an overall strategy could also relate in part to the separate 'Open Space Strategy' report which the Council produced in draft form for the CDLP examination. But that document has evidently not progressed beyond the draft stage, and it appears the Council no longer has any current intention of taking it further. In any event, in the present draft version, the appeal site is identified as open space, being included in the category of amenity greenspace, and abutting or partly within a green corridor. In the context of this appeal, the question of how far it meets the requirements for these categories is purely academic. Nothing in this draft document changes my view that the appeal site contributes to the Council's open space strategy.
48. As already noted, criterion (b) is only intended to apply where criterion (a) is also met. In the light of my earlier findings, this means that whatever view is taken, (b) will not be decisive. But nevertheless, I conclude that the appeal site does not fall within the exception provided by this criterion.

Criterion (c): whether any harm would be balanced by need

49. Criterion (c) permits development where the harm to the protected open space would be balanced by a need for the development. But elsewhere in this decision I have found that the Council has been able to show an adequate 5-year supply of deliverable housing sites. In the light of this conclusion, although the provision of additional housing can still be counted as a benefit, it would not meet a proven need. It follows that criterion (c) is not met at the present time.

Criterion (d): lack of alternatives, and provision of replacement open space.

50. Criterion (d) permits development where no alternative site is available, and the harm would be offset by providing a replacement open space of comparable size, quality, character and useability. As far as the first part of this criterion is concerned, since there is a 5-year land supply, it is evident that alternative housing sites are available.
51. Regarding the second part, the proposed development would include an element of landscaped public open space. This new area would be more useable and more visually attractive than that which exists on the site currently, but would not be comparable in size or character. Bearing in mind the reasons for the site's inclusion in Policy OS9, it seems to me that such a

large reduction in size would undermine its continued value as a protected open space, and its role as part of the Thanet Way open space corridor.

52. Consequently, neither of the requirements in criterion (d) are met.

Other matters relating to Policy OS9

53. I accept that it is not clear whether the inclusion of the appeal site in Policy OS9 was founded on any robust or detailed assessment. But Policy OS9 was subject to independent scrutiny at the CDLP examination, and subsequently adopted. The policy is now part of an up-to-date development plan, and accordingly the appeal must be determined in accordance with it unless other material considerations indicate otherwise.

54. I note the suggestion that the CDLP Inspector's endorsement of Policy OS9 was somehow conditional on the final outcome of the draft Open Space Strategy. But that is not what his report says. The Inspector did comment on the lack of detailed information about the individual sites, but he noted that they were all carried forward from the previous local plan, and found nothing that justified any being deleted. He acknowledged that the Inspector in that previous plan in 2005 had expressed some reservations, but he took comfort from the flexibility of the policy wording, and the scope that this provided for further assessments on an individual site basis. In the present case, I have assessed the appeal site against the policy criteria in OS9, in the way that the Inspector appears to have envisaged, and found that none of these tests are met.

55. I have some sympathy with the appellants' frustration, and their feeling that history appears to have repeated itself, in the processes leading to the appeal site remaining as protected open space. But those events are now matters of history. They carry very little weight against that of the adopted development plan policy.

56. In coming to my conclusions on Policy OS9 I have taken account of the definition given to 'open space' in the NPPF. Given my earlier findings regarding the appeal site's contribution to visual amenity, it seems to me that the site is capable of falling within the scope of "*all open space of public value*". In this context, I also consider that the reference to "*opportunities for sport and recreation*" is directed mainly at areas of water. In these respects, I find no inconsistency between the NPPF and the policy in question.

Conclusion on the appeal scheme's conformity with Policy OS9

57. For the reasons explained above, I conclude that the appeal proposal would conflict with Policy OS9's main purpose of preserving the openness of the protected open spaces. Although Policy OS9 allows for the development of such sites in certain circumstances, none of these applies to the appeal site at the present time. The proposed scheme therefore conflicts with the most relevant policy of the development plan.

Housing Mix

58. The Council's concerns regarding housing mix relate to the proposed open-market units, and not the affordable housing. The policy approach to housing mix, as set out in CDLP Policy SP2, cross-refers to the Council's published Housing Strategy. For open-market housing, this contains a recommended mix comprising 15% one-bedroom flats, 15% two-bedroom flats, 30% two-

bedroom houses, 30% three-bedroom houses, and 10% four-bedroom houses. In the appeal scheme, the open-market housing would not include any one- or two-bedroomed units. The mix of sizes therefore departs from the recommendations of the Housing Strategy.

59. On the other hand, the Housing Strategy acknowledges that there is not necessarily an exact size match between assessed needs and market demand, and thus the recommended size mix is presented as guidance rather than a rigid requirement. The Strategy also acknowledges a need for family homes, of the sizes proposed in the appeal scheme, which includes 15 three-bedroom open-market dwellings, and 4 four-bedroom units. And in any event, the Strategy is based on the pattern of needs identified in 2009, which is now nearly a decade ago.
60. I accept that the appeal scheme's mix of sizes does not fully accord with the Housing Strategy, and thus by implication, it fails to comply with this element of Policy SP2. But to my mind, the divergence is not so clear-cut, nor is the recommended mix so robustly justified, as to warrant a refusal of permission on this ground alone. Consequently, in the context of this appeal, the lack of accordance on the issue of housing mix carries little weight in the planning balance.

Other Matters

61. There is evidence of a substantial unmet need for affordable housing. The proposed development would include 9 affordable dwellings, and this would be a significant benefit to the area. However, the other provisions in the S.106 undertaking are all intended to mitigate the development's own impacts, and thus carry no more than neutral weight in the overall balance. From the evidence available, I accept that all of these S.106 provisions are necessary, reasonable, and proportionate, and I have therefore taken them fully into account, but none other than the affordable housing attracts positive weight in favour of the development.
62. The development would also have some benefits for the local economy, including construction jobs, supply-chain effects, and additional household expenditure. Although these would be generic to almost any housing development, the appeal scheme is proposed as an addition to the existing housing provisions, not as an alternative, and therefore the economic benefits would be over and above those arising from other committed developments. These matters add some further weight in favour of the scheme.
63. I note the various other issues raised by local residents, including those relating to traffic, road safety, noise, drainage, and the setting of the listed building Little Millstrood. But none of these objections is compelling, and accordingly, none adds any material weight against the development.

Conclusions

64. The appeal scheme would conflict with Policy OS9 of the recently-adopted CDLP, due to the loss of protected open space. This policy is up-to-date and consistent with the NPPF, and thus carries full weight. No other policies have been identified that directly support the proposed development. The scheme is therefore contrary to the development plan.

65. In its favour, the development would provide 9 units of affordable housing, for which there is an accepted need, as well as 19 units of private housing. However, the latter could equally well be provided on other sites, given that the Council has demonstrated an adequate, deliverable supply of housing land. The scheme would also provide a moderate boost to the local economy. But even in total, these minor benefits are not sufficient to outweigh the conflict with the adopted development plan.
66. I have had full regard to the NPPF's paragraph 14. But in this case, since the proposed scheme conflicts with the development plan, and since the relevant policy is neither absent, silent, nor out-of-date, it is clear that the appeal proposal does not benefit from the presumption in favour of sustainable development.
67. Having had regard to all the other matters raised, I find none that changes my overall conclusion, which is that planning permission should be refused. The appeal is therefore dismissed.

John Felgate

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Isabella Tafur, of Counsel

Instructed by the Solicitor to the Council

She called:

Shelley Rouse
BA MRTPI
Austin Mackie
BA(Hons) MRTPI

Senior Planning Policy Officer
Principal Planner

FOR THE APPELLANT:

Peter Village QC
(Assisted by Jonathan Darby,
of Counsel)

Instructed by Winckworth Sherwood LLP

They called:

David Williams
BA(Hons) Dip(Hons)LA MLI
Andrew McCloy BA(Hons)
AIPROW
Paul Burley
MPhil MRTPI

Landscape Architect
Access and Recreation Consultant
Montagu Evans Planning

OTHER INTERESTED PERSONS:

Neil Boddy
Graham Cox

Thanet Way Residents' Association
The Whitstable Society

DOCUMENTS TABLED AT THE INQUIRY

THE APPELLANTS

- AP.1 Appearances list
- AP.2 Opening submissions
- AP.3 Amended Parking Layout: plans Nos 4845/502 and 21827A/210, Rev. Q (tabled on Day 1)
- AP.4 Parking Layout plan, No 4845/501, Rev. A (tabled on Day 2)
- AP.5 Parking Schedule (tabled on Day 2)
- AP.6 Amended housetype plans: Nos 21827A/207/01, Rev B, and /02, Rev B; and 21827A/208/OP1, Rev B, and /OP2, Rev B, and /OP3, Rev B (tabled on Day 2)
- AP.7 Updated version of Mr Burley's Appendix PB12 (tabled on Day 2)
- AP.8 'Factual Update on Strategic Site Allocations', tabled on Day 3 (AGREED BETWEEN APPELLANTS AND COUNCIL)
- AP.9 Illustrative master plan for 'Site 7', Devine Homes scheme
- AP.10 Appeal decision – Close Lane/Crewe Road, Alsager: APP/R0660/A/13/2203282
- AP.11 Executed Section 106 Undertaking, dated 12 January 2018
- AP.12 Closing submissions

THE COUNCIL

- CO.1 Opening submissions
- CO.2 List of sites with over 50 completions in a year (tabled on Day 3)
- CO.3 Closing submissions

OTHER INTERESTED PERSONS

- OP.1 Photographs of the site tabled by Mr Boddy
- OP.2 Report on Landscape, Nature Conservation and Open Space, dated March 1994 (tabled by Mr Boddy)

GENERAL

- GE.1 Statement of Common Ground, dated 10 January 2018
- GE.2 Statement of Common Ground (Housing), dated 10 January 2018
- GE.3 Statement of Common Ground (Housing), updated 11 January 2018
- GE.4 Letter and covering email from Southern Water, dated 10 January 2018
- GE.5 Core Documents List – updated (tabled on Day 3)
- GE.6 Local Plan Steering Group minutes, 7 March 2013
- GE.7 Canterbury Development Requirements Study: NLP, January 2012
- GE.8 Canterbury Local Plan – Publication Draft, June 2014 (extract)
- GE.9 Canterbury Local Plan Examination – Inspector's letter dated 10 August 2015
- GE.10 Annual Monitoring Report, 2014-15
- GE.11 'Canterbury District Housing Strategy, 2012-16, extended to 2020'
- GE.12 List of draft conditions