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## Appeal Decision

Inquiry held on 30 & 31 January and 1, 7 & 9 February 2018

Site visits made on 8 & 9 February 2018

**by Jonathan Manning BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 March 2018**

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**Appeal Ref: APP/F2415/W/17/3182409**

**Land at Fleckney Road, Saddington, Leicestershire, LE8 8DF**

- 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 Persimmon Homes (North Midlands) Ltd against the decision of Harborough District Council.
  - The application Ref 16/01355/FUL, dated 23 August 2016, was refused by notice dated 17 May 2017.
  - The development proposed is erection of 290 dwellings, including affordable housing, landscaping and associated access.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of 290 dwellings, including affordable housing, landscaping and associated access, at Land at Fleckney Road, Saddington, Leicestershire, LE8 8DF, in accordance with the terms of application ref: 16/01355/FUL, dated 23 August 2016, subject to the planning conditions in the attached schedule.

### Preliminary and Procedural Matters

2. It was agreed between all parties that due to some errors in the draft Section 106 Agreement (the S106) identified during the Inquiry, the appellant would be given 10 working days after the Inquiry to provide an executed copy of the final S106. The appellant has advised that due to the timescale and difficult logistics, the S106 was signed in counterpart. I am content that I have been provided with copies of the S106 that collectively contain all the necessary signatures and therefore the S106 has been entered into by all relevant parties.
3. The S106 makes provision for affordable housing and on-site open space, along with its maintenance. Further, it also makes provision for financial contributions in relation to: off-site outdoor sports; education; highway improvements; health; footpath improvements; allotments; the Fleckney and Saddington cemetery; and community facilities.
4. I have considered the evidence provided by the Council and Leicestershire County Council (LCC) in support of the sought obligations. I am satisfied that each sought obligation meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). Further, I am satisfied that the sought contributions

comply with CIL Regulation 123, where applicable. As a result, I have taken the S106 into account and there is no need for me to consider such matters any further in my decision.

5. At the Inquiry, a request by an interested party was made for a ruling as to whether the appeal should be dismissed and/or legally struck out. This was sought on the basis that the appellant's evidence had not proved that the Council's decision was 'Wednesbury unreasonable'. However, I am mindful that Section 78 of the Town and Country Planning Act (1990) (the TCPA) provides a right to appeal a planning decision and Section 79 of the TCPA sets out that the Secretary of State may deal with the application as if it had been made to him in the first instance. Further, I consider that the 'Wednesbury' judgement relates to planning judgement rather than whether the principle of an appeal is acceptable. I declined to make the sought ruling during the Inquiry, as I considered it to be an unreasonable request. For the avoidance of any doubt, I have considered the appeal on its merits, as I am required to do.

### **Main Issues**

6. As a result of the evidence before me, I consider that the main issues of the appeal are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on the ridge and furrow earthworks (a non-designated heritage asset); and
  - whether the appeal site constitutes a suitable location for the scale of development proposed, having regard to the development plan and national policy.

### **Reasons**

#### *Context*

7. It is common ground between the appellant and the Council that the Council cannot demonstrate a five year housing land supply and this was not contested by any other party. The latest calculation is found in the Harborough District Council Five Year Housing Land Supply Report, dated December 2017. This identifies that the Council's housing land supply stands at 4.53 years. This figure is also not disputed by any party and there is no evidence before me to suggest that I should deviate from it.
8. Given the above, the Council's policies that relate to the supply of housing cannot be considered up-to-date. As a result, Paragraph 14 of the Framework is engaged. This advises that where the development plan is absent, silent or 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 as a whole or specific policies in the Framework indicate development should be restricted.

#### *Character and appearance*

9. The appeal site would be accessed from Fleckney Road and is a collection of fields that adjoin the southern and western settlement edge of Fleckney. The site is largely open and accommodates some mature hedgerows and trees. A public footpath and a bridleway run through the site. The appeal site is not the

- subject of any local or national landscape designations. It has not been suggested that the appeal site forms part of a 'valued landscape' in terms of Paragraph 109 of the Framework and I agree with this view. Although, I fully acknowledge that the landscape is of clear value at a local level to residents.
10. The appeal site falls within the 'Lutterworth Lowlands' Landscape Character Area of the Harborough District Landscape Character Assessment (2007) (the LCA). The key characteristics of relevance are: the area being open and relatively flat, to gently rolling; lack of large woodland areas; and a scattering of small villages with large settlements Kibworth and Fleckney to the north and Lutterworth to the south. Page 38 of the LCA identifies the 'Lutterworth Lowlands' area as having a medium to high capacity to accommodate change, the highest out of all of the landscape areas considered in the LCA.
  11. At a more local level specific to Fleckney, the Harborough District Council Landscape Character Assessment and Landscape Capacity Study (2014) has appraised specific parcels of land around Fleckney and offers the most recent independent view. The appeal site incorporates Parcels 12 and 13, along with a small area that has not been appraised. The findings for Parcel 12 were that it has a medium ability to accommodate change. Further recommendations include: the retention of hedgerows on the northern and eastern boundaries; the approach into the settlement from the south should form an important consideration; the definition of a new urban edge would be important along the open southern boundary; and that buildings should be no greater than two storeys in height.
  12. In terms of Parcel 13, this is considered to have a medium to high capacity for change and recommendations include: the need to consider Fleckney Lodge Farm farmhouse and the character of the property; a two storey maximum height to reflect neighbouring housing, with the option to include rooms in loft spaces and the provision of dormer windows, similar to the farmhouse; and materials should be similar to or sympathetic to Fleckney Lodge Farm farmhouse and barns.
  13. The scheme would result in the construction of a large housing development of 290 dwellings that would extend Fleckney to the south and west into the open countryside. This would cause a significant change to the appearance of the appeal site, through the change of use and would result in the direct loss of open countryside that I consider makes a pleasant contribution to the character of the southern part of Fleckney, to its detriment. The open fields would be replaced with a substantial level of built development and associated infrastructure.
  14. I observed that the appeal site is relatively well contained within the wider landscape and this is confirmed by the appellant's zone of theoretical visibility plan and that the viewpoints considered in the evidence are in the large, in relatively close proximity to the appeal site. As a result, I consider that any effects on the wider landscape would be localised. Although there would be some internal loss of mature hedgerows, the scheme retains a substantial level of the vegetation, includes additional planting and makes provision of areas of open space within the appeal site, to soften the effects of the scheme.
  15. The existing settlement edge that lies adjacent to the appeal site is, in my view, relatively harsh, with the existing houses in most cases visible. There is only patchy hedgerows and trees to soften the appearance of the houses that

form part of the Saddington Grange Estate. It is suggested that the scheme would result in a much more dense form of development along the southern boundary. However, I observed that the existing settlement edge is itself very dense, with little in the way of gaps in the built development.

16. The scheme would include a 20 metre planting belt on the southern boundary of the appeal site. Although the extent of the settlement edge would increase, particularly when viewed from the south, I consider that the proposed planting belt once established would offer a much more appropriate boundary with the open countryside beyond. In addition, the scheme would not extend built development any further west than the Fleckney Lodge Farm farmhouse and its associated barns, which are clearly visible forms of built development, when viewed from the surrounding area, particularly from Viewpoints 3 and 4.
17. The Council assert that the planting would take a long period of time to establish and would appear as a contrived artificial boundary, when considered against the existing landscape features. However, given my observations with regard to the existing settlement edge, I consider the proposed planting belt, would in time, result in a more appropriate settlement edge. Further, the proposed planting belt once established would be similar in appearance to the existing tree belt that screens the industrial estate on the other side of Saddington Road, which I observed provides a good level of screening even in the winter. Taking into account the proposed mitigation, I consider that the scheme would have a very minor effect on the wider landscape and its identified features.
18. I accept that there will be adverse visual impacts, however, I consider that with the proposed mitigation, these would be largely limited to the immediate area surrounding the appeal site. As set out above, there is a public footpath and a bridleway that run through the appeal site. There will undoubtedly be adverse visual effects on the users of the sections that fall within and close to the appeal site. This would particularly be the case when using the bridleway travelling west and the footpath travelling south from the existing settlement edge (The Fleckney and Saddington Objectors Viewpoint 1), as views of open countryside would be replaced by views of housing. However, in these locations one is already very much aware of the existing settlement edge and they would be set within an area of open-space. Whilst it would take slightly longer to access the open countryside from the footpaths and the bridleway, the surfaces of both would be improved to encourage their recreational use and promote access to the open countryside that is of recreational value to the local residents.
19. In terms of the effect on the Leicestershire Round, I am mindful that users of the route will frequently travel from settlement to settlement experiencing the open countryside that lies in between. Whilst built development would be extended to the west and south of Fleckney, the users of the route, would see this in the context of the existing settlement. I consider that the effect on the Leicestershire Round as a whole, would be negligible.
20. Local residents who live in properties along the boundary of the appeal site would have their existing views of open fields replaced by views of a large housing development and therefore there will be adverse visual impacts on these residents. However, such views would not in my view be oppressive and their residential amenity would not be unacceptably harmed.

21. The Council's reason for refusal refers to the scale and location of the development causing harm to the character of Fleckney. In terms of scale, as set out above, the scheme is a large development and would result in the loss of open countryside. It would be larger than any single development that Fleckney has seen in the past. However, it can be seen from the appellant's evidence on the historic growth of Fleckney, that it would not be significantly different to the previous levels of growth that have occurred in the past. Further, given the current size of Fleckney, I am not of the view that the scheme would be a disproportionate addition. Indeed, as discussed further below, the emerging Harborough Local Plan (the eLP) suggests that Fleckney will need to accommodate 295 new dwellings. Although, only limited weight can be afforded to eLP, given its stage of preparation, it nonetheless indicates a direction of travel.
22. The existing housing that adjoins the appeal site is of relatively recent construction and has a modern appearance. I consider that the density, layout and proposed materials of the scheme would complement the adjoining Saddington Grange Estate. Further, it can be seen through the historic maps and photos provided by the appellant that Fleckney, when considered as a whole, has a somewhat mixed character in terms of layouts and architectural styles. Particular concern has been raised that the scheme would include 2.5 storey homes. The Harborough District Council Landscape Character Assessment and Landscape Capacity Study (2014) in relation to Parcel 13 did acknowledge the potential suitability of accommodation in the roof space, although this did not include Parcel 12. However, I observed that there are examples of similar homes within the Saddington Grange Estate adjacent to the appeal site and therefore such provision as part of the scheme would not, in my view, appear out of keeping.
23. In terms of the effect on Fleckney Lodge Farm farmhouse, it is important to note that the farmhouse and its associated barns are not listed. Further, I consider that measures as part of the proposed design and layout of the scheme have been made to complement the farmhouse and its barns. This includes: providing single storey bungalows within the closest part of the built development to reflect the character of the barns; utilising materials that I consider would complement the farmhouse and barns; incorporating significant additional planting along the boundary; and proposing boundary treatments such as a wall, adjacent to the Farmhouse and its associated barns to reflect their existing character.
24. In terms of the appeal site's location to the village, it can be seen from the historic maps provided by the appellant that Fleckney has grown in a largely linear manner along Saddington Road. The appeal site would continue this pattern of development and would therefore not be out of keeping with the historic pattern of growth.
25. In coming to the above conclusions, I have had particular regard to: the additional viewpoints surveyed by the Fleckney and Saddington Objectors; the ground level changes within the site; The Landscape Partnership's review of the proposal at the planning application stage and its recommendations; the disagreements in relation to the findings and methodology of the Landscape and Visual Impact Assessment; and the Council's Strategic Housing Land Availability Assessment (2015).



26. Turning to a related matter, the scheme would reduce the physical separation distance between Fleckney and Saddington. However, this is not subject to any protection in the adopted development plan. The emerging Saddington Neighbourhood Plan (the eSNP) at Policy ENV 1: Area of Separation, sets out that to retain the physical and visual separation between Saddington and Fleckney, an area of separation will be designated, which includes the majority of the appeal site. The policy then says that developments within this area should be located and designed to maintain, and wherever possible enhance the separation of the villages. The supporting text to the policy appears to be somewhat contradictory by suggesting that any development would reduce the area of separation to an extent that it would not be meaningful. Although, it does refer to a distance of 0.6 kilometres. The Fleckney and Saddington Objectors did not challenge the appellant's calculation that a gap of 0.6 kilometres or more would be maintained by the scheme.
27. I observed that the existing settlement edge of Fleckney is visible from Saddington. As already identified, the existing settlement edge benefits from only partial screening on the western side of Fleckney Road. The scheme would result in a substantial planting belt on the southern boundary of the appeal site, which in time, I consider would be a significant improvement to the existing settlement edge. Although, as a matter of fact, the physical separation would be reduced, I consider that the visual separation between the villages would be enhanced by the proposed planting belt. Further, I consider that a suitable separation distance would remain to ensure that the separate character of Fleckney and Saddington is maintained. I consider that the scheme would comply with Policy ENV 1 of the eSNP.
28. It was suggested at the Inquiry that the wording and supporting text of Policy ENV 1 will be subject to change. However, I must consider Policy ENV 1 as it is currently drafted. Notwithstanding all of the above, I am very mindful that the eSNP is at an early stage of preparation and cannot be afforded any more than limited weight. Consequently, even if I had found conflict with Policy ENV 1, this would not have been grounds to dismiss the appeal.
29. It is suggested that the separation area is also important to the form and character of the villages, in terms of Policy CS11 b) of the Harborough District Council Core Strategy (2011) (the CS). Given my findings above, I am not of the view that the scheme would adversely affect the area of separation between the villages. Consequently, I consider that the scheme complies with Policy CS11 b) of the CS in this particular regard.
30. Due to the separation distance involved and the proposed planting belt on the southern boundary of the appeal site, the proposal would preserve the setting of the Saddington Conservation Area and there would be no impact on its significance. Further, given my findings above, I consider that the scheme would not have any effect on the character and appearance of Saddington.
31. Overall and for all the reasons set out above, I consider that the scheme would cause harm to the character and appearance of the area and to the existing character of Fleckney. The proposal therefore conflicts with Policies CS2, CS11 and CS17 of the CS. I afford full weight to Policies CS11 and CS17 of the CS. In terms of Policy CS2, this relates to the supply of housing and therefore cannot be considered up-to-date. Policy CS2 sets out that development will not be permitted outside of the development boundaries, unless at any point

the Council cannot demonstrate a five year housing land supply and the proposed development is in keeping with the scale and character of the settlement. I consider that the requirement for proposals to be in keeping with the scale and character of the settlement to be consistent with the Framework and therefore I afford this aspect of Policy CS2 significant weight. Matters associated with the appeal site's location outside of the development boundary are considered later in my decision. There is also conflict with Paragraph 17 of the Framework which seeks to recognise the intrinsic character and beauty of the countryside.

32. Notwithstanding the above, the identified harm must be considered in the context that the Council accept in order to meet its housing needs, sites in the open countryside will need to be developed. Given all of my findings, particularly that any harm would be localised, I afford the identified harm to the character and appearance of the area and the character of Fleckney, along with the associated development plan conflict, a minor level of weight against the scheme in the balancing exercise.

#### *Ridge and furrow earthworks*

33. There are several parcels of the appeal site that contain ridge and furrow earthworks (earthworks). The appellant and LCC agree that they are a non-designated heritage asset. The majority of the earthworks fall within the parish boundary of Saddington, which was identified in the 'Turning the Plough' Study (2001) as a 'priority township'. The study sets out that the significance of the best 'townships', of which Saddington was identified to be one, cannot be over-estimated, with a status equivalent to nationally designated heritage assets.
34. LCC are of the view that the earthworks are therefore of demonstrably equivalent significance to scheduled monuments and should therefore be considered subject to the policies for designated heritage assets, as set out by Paragraph 139 of the Framework. The appellant disagrees with this view and I have some reservations too, given that 'priority townships' were not identified in English Heritage's Scheduling Selection Guide for Agriculture, 2013 (re-issued in 2015). However, I have given LCC the benefit of the doubt, given that I am allowing the appeal, in order to take a precautionary approach. I have therefore considered the proposal in line with policies for designated heritage assets.
35. Paragraph 133 of the Framework advises '*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*'. Further, Paragraph 134 of the Framework sets out '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*'.
36. I agree with LCC that the significance of the earthworks result from their largely coherent physical survival, group value, archaeological and historic research potential, diversity and amenity value. It was agreed by LCC at the Inquiry that the level of harm the proposal may cause should be considered against the asset as a whole, in this case, Saddington as a 'priority township' rather than smaller parcels or components of the earthworks within it.

37. The proposal would result in the loss of some 6 hectares of earthworks within the Saddington 'priority township'. I have been provided with several different figures for calculating the level of loss that would occur to the earthworks within the Saddington 'priority township' as a result of the scheme. The highest of these figures is calculated by LCC as being a 3.5% loss if just the 'well-preserved' earthworks (148.47 hectares as set out in 'Turning the Plough Update Assessment 2012') are taken into account or a 5.25% loss, if the directly affected furlongs, which have a larger area of 7.8 hectares are considered.
38. The appellant has referred to the 'Nuon' High Court Judgement<sup>1</sup>, which states that substantial harm would be harm that would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced. In addition, the Government's Planning Practice Guidance (the PPG) states that '*In general terms, substantial harm is a high test, so it may not arise in many cases*' (Paragraph: 017 Reference ID: 18a-017-20140306).
39. Again, taking a precautionary approach and taking into account the highest figure suggested by LCC, I am not of the view that a 5.25% loss of earthworks, would result in a substantial physical loss. It is clear that a very high percentage of the earthworks would remain. Further, in terms of group value, not only would the loss be on the edge of a settlement, importantly in my view, it would also be on the very northern edge of the earthworks within the Saddington 'priority township'. Consequently, the large area of earthworks to the south of the appeal site would still very much retain their contiguous group value and the proposal would not sever or segregate any wider areas of earthworks.
40. In terms of archaeological and historic research potential, a planning condition can be imposed that would require a programme of site investigation and recording to be undertaken and the subsequent analysis, publication and dissemination and deposition of the information.
41. Turning to diversity, I am not of the view that the earthworks are of a nature significantly different to those in other areas within the Saddington 'priority township', which would elevate their importance. Indeed, it is evident that some of the earthworks within the appeal site are degraded or partially degraded.
42. LCC assert that the network of public rights of way and bridleways within and around the appeal site allow the public to experience the earthworks and their relationship with the medieval and post medieval open field system, which results in them having an important amenity value. Concern has also been raised in relation to the removal of historic hedgerows within the appeal site that it is suggested form part of the medieval and post medieval open field system. I am mindful that the A14/9 public right of way that runs from the appeal site to Saddington and the Z87 bridleway that runs to the west of the appeal site will still allow the earthworks and their relationship with the medieval and post medieval open field system to be experienced beyond the appeal site. Further, there is also a network of footpaths to the west of Saddington, where further well-preserved earthworks are located.

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<sup>1</sup> Bedford BC v SSCLG & Nuon Uk Ltd [2013] EWHC 2847 (Admin) Paragraph 25.



43. LCC has raised an additional concern in relation to the 'The Meer' and associated 'Meer Meadow'. 'The Meer' is a historic route way that is shown on the 1769 Fleckney pre-enclosure map<sup>2</sup>, which is now a bridleway (Z87). Whilst the proposal would affect the views from the bridleway to the south within the site, the bridleway continues for a significant distance to the west of the appeal site where views of the landscape and its relationship with the earthworks would be retained. Further, 'Meer Meadow' is shown on the 1769 Fleckney pre-enclosure map to the north of 'The Meer' and therefore appeared to be within Fleckney rather than Saddington 'priority township'.
44. Overall, given all of the above, I consider that the proposal would result in less than substantial harm to the significance of the Saddington 'priority township'. As set out above, the Council cannot currently demonstrate a five year housing land supply. There is therefore a pressing need for new housing in the District. In addition, there is also a clear and compelling need for affordable housing. The proposal would provide for a significant contribution towards market and affordable housing, which, in my view, are substantial public benefits that outweigh the less than substantial harm to the significance of the Saddington 'priority township'. Consequently, Paragraph 134 of the Framework is satisfied and the development should not be restricted. Footnote 9 of Paragraph 14 does not apply and the 'tilted balance' is therefore still engaged.
45. On a related matter, the proposal would result in the loss of a small area (0.9 hectares) of earthworks within the Fleckney parish boundary. LCC do not object to the loss of these earthworks. However, they are nonetheless, a non-designated heritage asset and Paragraph 135 of the Framework sets out *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*. These earthworks are in poor condition and represent an isolated component of the former Fleckney ridge and furrow earthworks. As a result, I consider that the loss of these earthworks would result in only limited harm to the significance of the non-designated heritage asset.
46. Policy CS11 d) iv) of the CS sets out that non-scheduled nationally important archaeological remains will be safeguarded. I have taken a cautious approach, giving the benefit of the doubt to LCC, given that I am allowing the appeal and considered the Saddington 'priority township' to be a non-designated heritage asset of archaeological interest that is demonstrably of equivalent significance to scheduled monuments. Given that the scheme would result in the loss of ridge and furrow earthworks within the Saddington 'priority township' there is some conflict with Policy CS11. However, the CS was adopted before the publication of the Framework. Policy CS11 does not include the same balancing exercise (against public benefits) that is set out in Paragraph 134 of the Framework. Consequently, Policy CS11 is not consistent with the Framework in this regard, which affects the weight that can be afforded to the policy. As a result of this and my findings that the public benefits of the scheme outweigh the less than substantial harm, I consider that the conflict with Policy CS11 carries limited to moderate weight.

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<sup>2</sup> Figure 8 of the University of Leicester Archaeological Services: An Archaeological Desk-Based Assessment for Land off Badcock Way, Fleckney (2016).

47. Nonetheless, the scheme would result in the loss of ridge and furrow earthworks that would cause less than substantial harm to the Saddington 'priority township' and minor harm to a non-designated heritage asset. This needs to be considered in the overall planning balance and I afford it a moderate level of weight against the scheme.

*Sustainable location?*

48. Although the Council consider the site to be sustainably located in terms of access to local services and facilities, including public transport, the Fleckney and Saddington Objectors (Rule 6 Party) and interested parties have raised a number of concerns. The appellant and the Fleckney and Saddington Objectors are in broad agreement with regards to the general distance of the appeal site to the local services in the village. However, there is disagreement in relation to whether such distances are acceptable.

49. Using the figures provided by the Fleckney and Saddington Objectors, the appeal site is located approximately 1.3 kilometres from the village centre which accommodates the majority of the local services. I have been provided with a copy of the Chartered Institute of Highways and Transport 'Planning for Walking' (April 2015). At section 2.1 it suggests that for journeys up to 1 mile in length a significant proportion are made on foot (80 percent). Consequently, the vast majority of the local services and facilities in Fleckney are within a 1 mile walk of the appeal site. During my site visit, I walked the route from Badcock Way to the village centre along Saddington Road and there are continuous footpaths that have street lighting. I accept that there are places where the pavements narrow, as suggested by the Fleckney and Saddington Objectors. However, when considering the width of the pavements along the route as a whole, the street lighting and the 30 mph speed limit along Saddington Road, I consider the pavements would allow a safe walking environment that would encourage trips to be made on foot. The appeal scheme also makes provision for the improvement of the footpaths and bridleway within the appeal site.

50. Whilst I observed that the pavements towards Saddington are narrow and do not have street lighting, given the limited facilities in Saddington, there is no reason for me to believe that the scheme would generate any significant movements on foot along this route. Further, whilst across fields, Saddington can also be accessed via the public right of way.

51. The local primary school is located some 1.9 kilometres (or 1.2 miles) from the appeal site, which is over the 1 mile distance where it is suggested a high percentage of trips would be undertaken on foot. However, it is not significantly over this distance. Further, given my above findings with regard to the nature of the route, I consider that future school children from the proposed scheme could feasibly walk to the primary school. Indeed, on my site visit, I observed numerous children from the Saddington Grange Estate travelling to school on foot. The Fleckney and Saddington Objectors have provided details of a survey of the Saddington Grange Estate, which is the residential area directly to the north of the appeal site and therefore has some relevance. The results to Question 4 of the survey suggest that 40% of the households with children at the primary school travel on foot.

52. Whilst I have found that future children from the proposed development could feasibly walk to the primary school on foot, I accept that some parents may

- choose to take their children to school by car, particularly in inclement weather. It was requested that I visit the primary school at drop off time, as part of my site visit. I observed that whilst there was some congestion as a result of parents parking on the road outside of the school and in the neighbouring streets to drop off their children, vehicles could still freely move along the highway. I also observed that there is a school safety zone operating along Batchelor Road. Consequently, whilst there is likely to be some reliance on a private motor vehicle to access the primary school, such journeys would be relatively short at 1.2 miles and in my view, would not result in any harm to highway or pedestrian safety in the vicinity of the primary school.
53. Fleckney is served by two bus services, the Centrebus 44 service to Market Harborough and the Arriva 49 service to Leicester. There are new bus stops proposed as part of the development within the vicinity of the appeal site, which would be served by the Centrebus 44 service to Market Harborough. This operates on roughly an hourly basis with the first bus leaving Fleckney at 06.53 and the last bus returning at 19.10. I consider that this offers a good level of service and a feasible commuting option to Market Harborough.
54. The distance to the nearest bus stop served by the Arriva 49, would be located some 900 metres from the centre of the appeal site. Both parties have referred to guidance that suggests that a distance of 800 metres should be encouraged. However, I am mindful that this distance would not be significantly exceeded. Further, given my findings that there is a safe and street lit route towards the village centre where the closest Arriva 49 bus stop is located, I am not of the view that the minor additional distance would deter potential occupants from utilising the bus service. The Arriva 49 operates at a 30 minute frequency Monday to Friday and a 20 minute frequency on a Saturday. The first bus on a weekday leaves Fleckney at 06.38, with the last bus returning at 19.10. Taking into account the length of the journey time involved, I see no reason why this would not offer a viable commuting option to Leicester.
55. The Fleckney and Saddington Objectors have also brought to my attention the results of the survey that they undertook, which suggested that public transport was not a viable option for 93% of the residents of the Saddington Grange Estate. However, the survey offers a limited snapshot for a small part of Fleckney. In any event, I accept that in rural areas some residents will choose to go to work by car and they cannot be made to travel on public transport. Nonetheless, I consider in this case there are viable options that would allow a commuter to access Market Harborough and Leicester by bus without the use of a private motor vehicle. The proposal also makes provision for a Travel Plan and a bus pass contribution that would provide a free 6 month bus pass for future residents and provide the relevant information to seek to encourage the use of the bus service. This is secured by the S106.
56. I am also mindful that the appeal site lies in close proximity to an employment area that has the potential to offer some employment opportunities within a short walking distance.
57. In terms of parking, I did not observe any significant on-street parking in the village centre that might indicate a shortage of off-street parking. In addition, I observed on my site visit that the car parks available in the village centre were not completely full. It has been suggested that one of the car parks will

be re-developed and the parking spaces lost. However, I was provided with details at the Inquiry (Inquiry Document 5) that suggests that should the re-development be granted permission, there is likely to be an increase in available parking spaces. Notwithstanding this, I have found that the village centre and its amenities are within a reasonable walking distance of the appeal site and can be accessed via a safe walking route. This is likely to limit any potential increase in parking in the village centre.

58. The adequacy of the existing infrastructure within the village to cope with more housing has also raised significant concern. However, I am mindful that the scheme makes provision through the S106 for financial contributions towards education, healthcare, the local library, the local cemetery, community facilities, allotments and off-site outdoor sports. I consider that these will ensure that any impact or additional strain on the existing infrastructure of the village can be suitably mitigated to ensure that there would be no adverse harm.
59. Overall, I am satisfied that the appeal site has suitable access to local services and facilities by foot and Fleckney is served by a reasonable bus service that could be utilised by future commuters from the proposed development. The scheme would therefore not represent an isolated community in terms of Paragraph 55 of the Framework. I consider that the appeal site complies with Strategic Objective 9 and Policy CS5 'Providing Sustainable Transport' of the CS, which seeks to ensure that future development is in areas well served by local services to reduce the need to travel and that people can gain convenient access to public transport for longer journeys. Further, the scheme does promote the use of alternative modes of transport, as required by Section 4 of the Framework. The Highway Authority (Leicestershire County Council) has also not raised any concerns with regard to such matters and I consider that this adds weight to my findings.
60. Turning to the Council's spatial strategy, Policy CS17 of the CS identifies Fleckney as a rural service centre, where development in the Harborough District will be focused, outside of the main towns. The CS does not allocate Fleckney a level of housing that it will be expected to accommodate.
61. The appeal site is located outside of, but immediately adjacent to, the development boundary of Fleckney. Policy CS2 of the CS sets out that development will not be permitted outside of the development boundaries, unless at any point the Council cannot demonstrate a five year housing land supply and the proposed development is in keeping with the scale and character of the settlement. As set out above, I have identified that the scheme would cause some harm to the character of Fleckney, contrary to Policy CS2 (and others). I consider Policy CS2 acknowledges that when there is no five year housing land supply the settlement boundaries may need to be exceeded to ensure that sufficient houses are delivered. Notwithstanding the identified conflict with part of Policy CS2, which is considered elsewhere in my decision, I consider the site's location outside of the settlement boundary should not weigh heavily against the scheme.
62. Whilst Policy HS/8 of the Harborough Local Plan (2001) remains extant and prohibits development outside of development boundaries, it is accepted that the policy is out-of-date and is not consistent with the Framework. It cannot therefore be afforded any notable weight.

63. The eLP identifies Fleckney as a rural service centre and will be expected to accommodate new housing over the plan period. It identifies at Policy H1 that Fleckney will need to accommodate 295 new dwellings. However, at the time of writing the eLP has either not been submitted or has only recently been submitted for examination. Further, the overall housing need identified in the Plan and the spatial distribution of housing in the District could be subject to change. Therefore, at the current time, I consider that the eLP carries limited weight. However, the scheme for 290 dwellings would comply with the suggested quantum of potential development that could be expected in Fleckney and the general direction of travel of the eLP.
64. The eLP does include a site allocation in Fleckney for 130 dwellings. However, there is no guarantee that this will be found sound at examination and I am mindful that the housing targets in the eLP are expressed as a minimum. A number of planning applications for housing within Fleckney have been brought to my attention. However, at the time of writing, I understand that these remain undetermined and there is again, no guarantee that permission will be granted for these sites.
65. The Fleckney and Saddington Parish boundary dissects the appeal site. The Fleckney and Saddington Objectors are of the view that the proportion of the housing that lies in the Saddington Parish boundary should be considered against the development plan policies of relevance to Saddington. However, the CS makes no reference of the need to consider parish boundaries when considering its spatial strategy. The appeal site lies immediately adjacent to the development boundary of Fleckney and despite the distance to the centre of each village being roughly the same, the appeal site has no notable physical relationship with Saddington. On this basis, I consider that it is entirely appropriate to consider the proposed development against the development policies relevant to Fleckney, as an extension to that settlement. Further, the scheme would not be seen as or represent a disjointed extension of Saddington. Any administration issues associated with the scheme being located within two different parish boundaries are not for me to consider as part of this appeal.
66. In terms of Neighbourhood Plans, the eSNP has been produced and does not include the part of the appeal site that lies within the Saddington parish boundary as an allocation for housing. Further, Policy H2 of the eSNP seeks to deliver new housing within the settlement boundary of Saddington set out in Figure 4. However, as set out above, the eSNP is at an early stage of preparation and cannot be afforded more than limited weight. Therefore, at the current time any conflict with the eSNP would not be grounds to dismiss the appeal. Reference has also been made to the emerging Fleckney Neighbourhood Plan. However, a draft has not yet been produced and therefore I consider at the current time, it cannot be afforded any weight.
67. In overall conclusion on this main issue, given all of my findings above, I consider that the scheme is sustainably located for the scale of development proposed in terms of access to local services and facilities and public transport. Further, with the exception of the scheme being outside of the development boundary, which should not weigh heavily against the scheme, the proposal broadly complies with the Council's spatial strategy and the eLP, as far as weight can be afforded to it.



### *Other matters*

68. Interested parties have raised strong concerns with regard to the increase in transport movements that would result from the scheme and their effect on the local highway network. I consider that through the supporting Transport Assessment and evidence provided as part of the appeal, the appellant has provided a comprehensive assessment of the potential effects of the proposal on highway safety, including the proposed access. This concludes that subject to some highway improvements, which have been secured as part of the S106, the scheme would not result in any unacceptable impacts within Fleckney, Saddington or the wider highway network. This also takes into account other recently permitted development in the area that is of relevance. There is no substantive evidence before me to suggest that I should take a different view, including my site visits to both Fleckney and Saddington. I am also mindful that the Highway Authority (LCC) has not raised an objection to the proposal, subject to the imposition of suggested planning conditions.
69. It has been suggested that the proposal is contrary to Policy CS8: Protecting and Enhancing Green Infrastructure of the CS. However, the scheme would result in the provision of new recreational open space that could be used by the existing residents of Fleckney, as well as the occupiers of the scheme. Further, there would be some enhancements to biodiversity. The appeal site is not a strategic green infrastructure asset or allocated as part of a green wedge. Subsequently, I find no conflict with Policy CS8 of the CS.
70. A number of other concerns have also been expressed, relating to: flooding; effects on the drainage of properties within the Saddington Grange Estate; ecology; air, light and noise pollution; the effect of the powerlines on the future occupants; noise and disturbance along Badcock Way as a result of increased pedestrians; loss of privacy; anti-social behaviour associated with the proposed open space; crime rates; and the effect on the sense of community in Fleckney. I have considered the evidence in relation to each of these matters carefully. I am of the view that there is no reason before me to suggest that with the imposition of planning conditions where necessary, the proposal would be unacceptable in regards to any of these matters.
71. I accept that there is the potential for noise and disturbance during construction activities, due to their nature. However, a planning condition can be imposed that requires a Construction Method Statement to be provided, which amongst other things, would consider the times by which construction activities and deliveries of materials can be undertaken. I consider that this would ensure that there would be no unacceptable impacts on the living conditions of neighbouring residents as a result of construction activities.
72. It has been asserted that the scheme should make provision for homeless people and should include a religious facility. However, there is no requirement in the development plan that suggests such provisions should be made. Further, I do not consider the financial status of the appellant or any of its employees to be a material planning consideration.

### **Overall Planning Balance**

73. The Framework identifies that there are three strands to sustainable development: social, economic and environmental. The proposal would result in social benefits through the provision of 290 dwellings, of which 68 would be

affordable units. There is a demonstrable need for both market and affordable housing in the District. These benefits carry substantial weight, particularly given that the Council cannot currently demonstrate a five year housing land supply. There will also be some economic benefits associated with the construction of the dwellings and from the spending of future occupants, including increased patronage to the local shops. This carries a moderate level of weight also in favour of the scheme.

74. In terms of the environmental role, there would be some minor benefits associated with the enhancement and increased recreational usage of the footpaths and bridleway within the appeal site and enhancements to biodiversity. There would also be the provision of open space and a children's play area that would be open to existing residents to use. I consider that these each carry a minor level of weight in favour of the appeal scheme. The off-site financial contributions are necessary to make the development acceptable in planning terms and therefore these carry neutral weight.
75. However, I have found that the proposal would cause localised harm to the character and appearance of the area and to the character of Fleckney, which carries a minor level of weight against the proposal. The appeal site is located outside of the development boundary of Fleckney. Although, when considered in the context that the Council cannot demonstrate a five year housing land supply, this does not weigh heavily against the scheme.
76. In addition, I have found that there would be a loss of ridge and furrow earthworks that would cause less than substantial harm to the Saddington 'priority township' and there would be a small loss of ridge and furrow earthworks of poor condition within the Fleckney parish boundary. I consider that these in combination carry a moderate level of weight against the scheme.
77. On balance, I consider that the identified adverse impacts of the scheme and the associated development plan conflict are not sufficient to significantly and demonstrably outweigh the substantial benefits of the proposal. As a result, I conclude that the proposal represents sustainable development as set out in the Framework, when read as a whole. Consequently, there are material considerations that outweigh the identified development plan conflict.

### **Conclusion and Planning Conditions**

78. For the reasons set out above and having regard to all other matters, including the concerns of local residents, the appeal is allowed, subject to necessary planning conditions.
79. I have considered the suggested conditions against the tests set out within the Framework and the advice provided by the PPG and have amended them where required. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). Conditions (3) to (7) are necessary to ensure the suitable appearance of the scheme. An additional condition with regard to means of enclosure has been suggested. However, with the agreement of the parties at the Inquiry, I have combined this condition with condition (4) in the interests of brevity. In the interests of highway safety, conditions (8) and (9) are imposed.

80. Conditions (10) and (11) are necessary to ensure that there would be no unacceptable impacts on the living conditions of neighbouring residents. There was discussion at the Inquiry in relation to the most appropriate implementation time for condition (11). Having regard to these discussions and given the purpose of the condition, I consider that no development should occur within 30 metres of the proposed boundary treatment until it has been implemented. I consider that such a gap would ensure that there would be no unacceptable impact on the living conditions of the occupants of the properties to the north and west.
81. In the interests of the water environment and flood risk, conditions (12) and (13) are imposed. An additional condition with relation to the maintenance of the surface water management system was suggested. However, with the agreement of the parties, I have combined this condition with condition (12) in the interests of brevity. In the interest of the protection of existing trees and ecology respectively, conditions (14) and (15) are necessary.
82. To ensure sustainable development, condition (16) is required. In the interests of the amenity, safety and security of users of the Public Rights of Way, conditions (17) to (20) are imposed. Condition (21) is necessary in the interests of archaeology and the historic environment.
83. It was agreed at the Inquiry that the suggested conditions in relation to the restriction of permitted development rights and land contamination did not meet the tests set out in the Framework. I have therefore not imposed these conditions.
84. During the Inquiry, it became apparent that the powerlines that run adjacent to the southern boundary of the appeal site would need to be repositioned to allow the proposed site layout to be implemented. The parties agreed that a Grampian condition was an appropriate way of addressing this matter, given that the land is in the same ownership as the appeal site and that the appellant had been in contact with the owners of the powerlines and no issues about their re-positioning had been raised. I agree and have therefore imposed this condition (22).
85. A number of the above imposed conditions relate to pre-commencement activities. In each case, I am satisfied that the requirement of the conditions are necessary to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission.

*Jonathan Manning*

INSPECTOR

## **SCHEDULE OF PLANNING CONDITIONS**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be undertaken in accordance with the following approved plans:
  - PS/FLECK/SL1 Rev C (layout page 1)
  - PS/FLECK/SL2 Rev C (layout page 2)
  - BIR5310\_06-B (Open space landscaping plan)
  - FLECK/MOR/P-01
  - FLECK/ALN/P-01
  - FLECK/ALN/P-02
  - FLECK/BUNG/P-01
  - FLECK/HAN/P-01
  - FLECK/HAN/P-02
  - FLECK/RUFF/P-01
  - FLECK/RUFF/P-02
  - FLECK/BICK/P-01
  - FLECK/SOU/P-01
  - FLECK/HAT/P-01
  - FLECK/HAT/P-02
  - FLECK/CLAY/P-01
  - FLECK/CLAY-A/P-02
  - FLECK/CLABEE/P-03
  - FLECK/RO/P-01
  - FLECK/RO/P-02
  - FLECK/CHED/P-01
  - FLECK/CHED/P-02
  - FLECK/LEI/P-01
  - FLECK/LEI/P-02
  - FLECK/WIN/P-01
  - FLECK/MAY/P-01
  - FLECK/MAY/P-02
  - FLECK/HAR/P-01
  - FLECK/HAR/P-02
  - FLECK/CHILL/P-01
  - FLECK/CHILL/P-02
  - FLECK/MARY/P-01
  - FLECK/MARY/P-02
  - FLECK/FEN/P-01
  - FLECK/FEN/P-02
  - FLECK/REG/P-01
  - FLECK/REG/P-02
  - FLECK/HOL/P-01
  - FLECK/OXF/P-01
  - FLECK/OXF/P-02

- 3) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
- 4) Notwithstanding approved Drawing BIR5310\_06-B (Open space landscaping plan), no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - (a) indications of all existing trees and hedgerows on the land;
  - (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;
  - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - (d) finished levels and contours;
  - (e) the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure;
  - (f) hard surfacing materials;
  - (g) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - (h) retained historic landscape features and proposed restoration, where relevant; and
  - (i) a programme of implementation.

Thereafter the development shall be implemented fully in accordance with the approved details.

- 5) Unless otherwise agreed through condition 4 (i) all soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) to which they relate or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 6) No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and maintained in accordance with the approved details.
- 7) No development shall commence on site until a detailed design and method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include existing and proposed ground levels, layout and depths of all foundations, service trenches, drains, landscaping and other groundworks, and all revisions of such. Thereafter the development shall



be implemented in accordance with the approved details and shall be retained as such in perpetuity.

- 8) No development shall take place until full details of the proposed site access and highway improvements, as generally shown on *Drawing Reference A093964*, which shall incorporate further two-dimensional and three dimensional revisions as recommended by a Stage 2 Safety Audit and in accordance with engineering details have been submitted to and approved in writing by the Local Planning Authority. The details shall also include information in relation to construction, surface water drainage and street lighting. The development shall be implemented in accordance with the approved details and shall be completed prior to the first occupation of any part of the development.
- 9) All details of the proposed development shall comply with the design standards of Leicestershire County Council as contained in its 3Cs Design Guide document. Such details must include gradients, surfacing, signing and lining and visibility splays and be submitted for approval by the Local Planning Authority before development commences. The development shall be implemented in accordance with the approved details.
- 10) No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include details of, and a timetable for, the provision of the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment;
  - i) hours of construction work, including deliveries;
  - j) measures to control the hours of use and piling technique to be employed; and
  - k) measures to control and minimise noise from plant and machinery

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and verified where appropriate.

- 11) No development shall commence on site until details of the design, external appearance and decorative finish of the boundary treatment between points A, B and C as shown on Drawing BIR5310\_06-B (Open space landscaping plan) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details and before any development takes place within 30 metres of point A, B and C as shown on Drawing BIR5310\_06-B (Open space landscaping plan). The boundary treatment shall be retained as such in perpetuity.

- 12) No development approved by this planning permission shall take place until such time as a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- The utilisation of SuDS techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality.
  - The limitation of surface water run-off to 3.9l/s/ha for the impermeable areas of the site for all storm events up to and including the 1 in 100 year plus climate change.
  - Details of the long term maintenance and responsibility of the sustainable surface water drainage system, including: routine maintenance, remedial actions and monitoring of the separate elements of the system and procedures to be implemented in the event of pollution incidents within the development site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the details, timing and phasing arrangements embodied within the scheme. Full details for the drainage proposal should be supplied, including but not limited to, layout plans, design calculations, headwall details, pipe protection details (e.g. trash screens) and long sections.

- 13) The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before any part of the development is first occupied.
- 14) No development shall commence on site until any trees that are to be retained on the site have been enclosed by protective fencing, in accordance with British Standard 5837 (2010): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved by the Local Planning Authority in writing, and after it has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).
- 15) The development hereby approved shall be implemented in accordance with the recommendations detailed in the FPCR Extended Phase 1 Ecological Survey dated 9 August 2016.
- 16) No development shall commence until details for the storage of refuse and materials for recycling have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and before the associated dwelling(s) is first occupied and shall be retained as such thereafter.
- 17) The Public Footpaths within the site shall be upgraded to provide a 2 metre wide tarmac surface with a 1 metre uncluttered verge either side throughout their length within the development site, in accordance with the County Council's Guidance Notes for Developers and to specifications that accord with the 6Cs Highways Development Guide. Prior to the occupation of any dwellings, a programme for delivery of the upgraded footpath is to be

agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved programme.

- 18) The Public Bridleway within the site shall be upgraded to provide a 3 metre wide tarmac surface with a 1 metre uncluttered verge either side throughout its length within the development site, in accordance with the County Council's Guidance Notes for Developers and to specifications that accord with the 6Cs Highways Development Guide. Prior to the occupation of any dwellings, a programme for delivery of the upgraded bridleway is to be agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved programme.
- 19) No trees or shrubs shall be planted within 1 metre of the edge of the public rights of way. Any trees or shrubs planted alongside a public right of way shall be non-invasive species. Standard design dropped kerbs shall be installed where the bridleway and footpaths cross estate roads.
- 20) No development shall take place until details and a programme of works for the changes to existing boundary treatments running alongside the Public Rights of Way and a signing and way marking scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and programme.
- 21) No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include a statement of significance and research objectives, and:
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 22) Prior to the commencement of the development hereby permitted a scheme for the relocation of the existing powerlines at the southern eastern boundary of the site including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Thea Osmund-Smith of Counsel                      Instructed by Verina Wenham, Solicitor at  
Harborough District Council

She called:

    Nigel Harris    Boyer Planning

### FOR THE APPELLANT:

Paul Cairnes - QC                                      Instructed by Persimmon Homes Ltd

He called:

    Andrew Cook    Pegasus Group (Landscape)

    Jamie Cassie    WYG (Transport)

    Gail Stoten    Pegasus Group (Archaeology)

    David Hutchison    Pegasus Group (Planning)

### LEICESTERSHIRE COUNTY COUNCIL - RULE 6 PARTY:

Ruth Lea - Solicitor                                      Leicestershire County Council

She called:

    Richard Clark    Leicestershire County Council (Archaeology)

    Andrew Tyrer    Leicestershire County Council (Planning  
Obligations) (as part of the round table  
discussion)

### FLECKNEY AND SADDINGTON OBJECTORS – RULE 6 PARTY:

Leanne Buckley-Thomson of Counsel                      Instructed by Fleckney and Saddington  
Objectors

She called:

    Suzanne Wyche    Local Resident

    Terry Mcdonagh    Local Resident

    Christopher Carter    Local Resident

### INTERESTED PARTIES

Gerry Holman    Local Resident

Richard Mason    Local Resident

Suzanne Wyche    On behalf of Fleckney Parish Council

Anthony Trace (QC)    Local Resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Email from Anthony Trace to Paul Cairnes, provided by the appellant.
2. Opening Submissions, submitted by the appellant.
3. Opening Submissions, submitted by the Council.
4. Opening Submissions, submitted by Fleckney and Saddington Objectors.
5. Copy of the Transport Assessment for 'proposed mixed use development, land to the north of High Street, Fleckney' & site layout map (ref: 1001 Rev C), provided by the appellant.
6. Extract from Fleckney Village Plan, provided by Richard Mason.
7. Copy of draft Section 106 Agreement, provided by the appellant.
8. Recommended list of planning conditions from committee report, provided by the Council.
9. Written copy of statement read out by Suzanne Wyche on behalf of Fleckney Parish Council.
10. Extract from the Government's National Planning Practice Guidance, in relation to non-designated heritage assets, provided by the appellant.
11. Revised list of suggested planning conditions, provided by the appellant.
12. Appendix G1 'Assessment of Midland Ridge and Furrow' of the Rugby Radio Station Urban Extension: Environmental Statement Addendum (2013).
13. Statement and bundle of evidence from Anthony Trace and Caroline Trace.
14. Two maps showing unaccompanied site visit locations within Saddington, provided by Anthony Trace & Clive Garner.
15. Leicestershire County Council Supplemental Statement on Public Rights of Way Planning Obligation.
16. Off-site public open space agreed position statement between the Council and the appellant.
17. Revised draft Section 106 Agreement, provided by the appellant.
18. The Council's Closing Submissions.
19. The Fleckney and Saddington Objector's Closing Submissions.
20. The Appellant's Closing Submissions.

## **DOCUMENTS SUBMITTED AFTER THE INQUIRY**

1. Seven copies of the counterpart signed and dated Section 106 Agreement, provided by the appellant and the Council.



**CORE DOCUMENTS LIST (ALL PARTIES)**

<b>A - Application Documents</b>	
A1	Application forms and Notices to Landowners (23.08.16)
A2	Site Location Plan (Oasis Urban Design, PH.218216.DA dated July 2016)
A3a	Revised Planning Layout 1 of 2 (PS/FLECK/SL1 Rev C dated March 2017)
A3b	Revised Planning Layout 2 of 2 (PS/FLECK/SL2 Rev C dated March 2017)
A4	Public Open Space Illustrative Landscape Masterplan (BIR3510_06-B dated 11.04.17)
A5	Planning Statement (dated July 2016)
A6	Design and Access Statement (Oasis Urban Design, PH.218216.DA dated July 2016)
A7	Statement of Community Involvement (dated July 2015)
A8	Archaeological Desk Based Assessment (ULAS, 2016-086 dated 23/05/2016)
A9	Landscape and Visual Impact Assessment (Pegasus Group, BIR5310 dated 29.07.16)
A10	Arboricultural Assessment (FPCR dated August 2016)
A11	Extended Phase 1 Survey and Protected Species Report (FPCR dated August 2016)
A12	Transport Assessment (WYG, RT93964-01 dated 28.07.16)
A13	Framework Travel Plan (WYG, RT93964-02 dated 29.07.16)
A14	Building for Life 12 Informal Assessment (Oasis Urban Design, PH.218216.BL12 dated July 2016)
A15a	Revised Planning House Types – Persimmon (dated March 2017)
A15b	Revised Planning House Types – Charles Church (dated March 2017)
A16	Updated Flood Risk Assessment and Drainage Strategy (RPS, JER6689 dated February 2017)
A17a	Indicative Photomerge (Oasis Urban Design, PH.218216.106 dated August 2016)
A17b	Indicative Photomerge (Oasis Urban Design, PH218216.107 dated August 2016)
A18	Indicative Streetscenes (Oasis Urban Design, PH218216.SS1-SS12 undated)
A19	EIA Screening Letter (dated 30.08.16)
A20	Decision Notice (dated 17.05.17)
A21	Planning Committee Report (dated 08.04.17)
<i>Additional Consultation Responses</i>	
A22	Severn Trent Water (2016100731070 dated 17.10.16)
A23	East Leicestershire and Rutland CCG (dated 02.05.17)
A24	Leicestershire County Council Waste Management Team (dated 23.09.16)
A25	Leicestershire County Council Education (dated 22.09.16)
A26	Leicestershire County Council Library Services (dated 04.10.16)
A27	Harborough District Neighbourhood Green Spaces (dated 20.09.16)
A28	Harborough District Council Noise (dated 19.10.17)
A29	Harborough District Council Parish Liaison and Engagement -

	Revised (undated)
A30	Harborough District Council Highways (including note from LCC Highways) (dated 16.05.17)
A31	Lead Local Flood Authority (dated 01.03.17)
A32	Leicestershire County Council Rights of Way (dated 24.04.17)
A33	Harborough District Council Environmental Team (dated 14.09.17)
A34	Leicestershire County Council – Archaeology (dated 14.12.17)
A35	Fleckney Parish Council (dated 24.10.16)
A36	Saddington Parish Council (dated 29.09.16)
<b>Correspondence and Documents Associated with the Appeal</b>	
A37a	Appeal Forms (dated 16.08.2017)
A37b	Appeal Notices (dated 21.11.17)
A38	Appeal Start Date Letter (dated 11.09.17)
A39	Bespoke Programme

### **B - National Planning Policy and Guidance**

B1	National Planning Policy Framework (NPPF) 2012
B2	National Planning Practice Guide (NPPG) ( <i>Electronic Version only</i> )
B3	Department for Communities and Local Government White Paper "Fixing our broken housing market" (February 2017)
B4	Community Infrastructure Levy Regulations 2010
B5	The Town and Country Planning (Development Management Procedure) (England) Order 2015

### **C – LPA and Neighbourhood Plan Policies and Guidance and other relevant Local Policy Documents and studies**

C1	Harborough District Core Strategy 2011
C2	Harborough District Local Plan April 2001 (Saved Policies)
C3a	The emerging Harborough District Proposed Submission Draft Local Plan (dated September 2017)
C3b	The Harborough District Proposed Submission Draft Local Plan Fleckney Extract from the Policies Map
C4	Leicester & Leicestershire Housing and Economic Development Needs Assessment (Extracts) (dated January 2017)
C5	Settlement Profile: Fleckney (dated May 2015)
C6	Rural Centres Landscape Character Assessment and Landscape Capacity Study (dated July 2014)
C7	Harborough District Landscape Character Assessment (dated September 2007)
C8	Saddington Neighbourhood Plan Pre – Submission Version (dated November 2017)
C9	Harborough Strategic Housing Land Availability Assessment (dated May 2016)
C10	Harborough SHLAA Rural Centres Site Assessment Companion Guide (dated May 2016)
C11	Harborough District Council 5 Year Housing Land Supply 1 April 2017 to 31 March 2022 (dated 12 <sup>th</sup> July 2017)
C12	Harborough District Council Saved Local Plan Fleckney Policies (2007)
C13	Harborough District Council 5 Year Housing Land Supply 1 October 2017 to 30 September 2022 (dated 20 <sup>th</sup> December 2017)

<b>D - Archaeology</b>	
D1	Barmwell V Northamptonshire DC Appeal (dated 18.02.2014)
D2	Jones V Ordue & Appeal (dated 03.12.2015)
D3	Gallagher Estates Ltd V Warwick District Council Appeal (dated 14.01.2016)
D4	<i>Managing Significance in Decision-Taking in the Historic Environment</i> ; Historic Environment Good Practice Advice in Planning: 2 (dated July 2015)
D5	<i>The Setting of Heritage Assets</i> ; Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (dated December 2017)
D6	Conservation Principles, Policies and Guidance (dated April 2008)
D7	Steer V SSCLG V Ors Appeal (dated 22.06.2017)
D8	Bedford Borough Council V Secretary of State for Communities and Local Government V Nuon UK Ltd Appeal (dated 26.07.2013)
D9	The Queen V Sevenoaks District Council V West Kent Housing Association & Viscount De L'Isle Appeal (dated 12.06.2014)
D10	Para 009 of Planning Practice Guidance (dated 2014)
D11	Turning the Plough Assessment (dated 2001)
D12	Turning the Plough Update Assessment (dated December 2012)
D13	Conservation Areas in Harborough district – Saddington Conservation Area (undated)
D14	Scheduling Selection Guide: Agriculture (dated September 2012)

<b>G – Landscape</b>	
G1	Guidelines for Landscape and Visual Impact Assessment (GLVIA3) Landscape Institute and IEMA. (dated 2013)
G2	Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity, Countryside Agency. (dated 2014)
G3	Landscape Institute Technical Information Note. Townscape Character Assessment (dated December 2017)
G4	An Approach to Landscape Character Assessment, Natural England. (dated October 2014)
G5	Landscape Review (The Landscape Partnership (dated February 2017)
G6	Illustrative Landscape Masterplan (Pegasus Group, dated 07.09.17)

<b>H - Relevant Appeal Decisions, Planning Applications and Legal Judgements</b>	
H1	Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and anor (Respondents) Richborough Estates Partnership LLP and anor (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37
H2	Appeal Decision – Land and buildings off Watery Lane, Curborough, Lichfield (APP/K3415/A/14/2224354)
H3	Lichfield District Council v Secretary of State for Communities and Local Government [2017] EWHC 2242 (Admin)
H4	Appeal Decision – Land to the North of Oaks Road, Great Glen, Leicestershire (APP/F2415/W/17/3167654)
H5	Land off Coventry Road, Lutterworth (APP/F2415/W/16/3151978)

<b>L – Transport</b>	
L1	Land North of Churchill Way Industrial Estate, Revised Transport Assessment (Bancroft Consulting, dated November 2016)
L2	Transport Survey Results (undated)
L3	Manual for Streets

<b>M - Other Inquiry Documents</b>	
M1	Planning for Walking (CIHT, dated April 2015)

Richborough Estates