



Appeal Decision

Site visit made on 31 March 2014

by Chris Hoult BA(Hons) BPhil MRTPI MIQ

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

Decision date: 4 June 2014

Appeal Ref: APP/T2405/A/13/2198620

Land off Denman Lane, Huncote, Leicester, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Westleigh Developments Limited against the decision of Blaby District Council.
 - The application Ref 12/0138/1/OX, dated 13 February 2012, was refused by notice dated 4 February 2013.
 - The development proposed is residential development for 67 dwellings, associated infrastructure, open space and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline with all matters, save for access, reserved for future consideration. I deal with the appeal on that basis. As originally submitted, the proposal was for 71 dwellings, made up of around 60% affordable housing and 40% open market housing. However, it was amended in the course of the application process, which reduced the number of dwellings to 67. Uncertainty over grant funding for the affordable housing also arose, casting doubt on whether the 60% initially proposed could be provided.
3. Although I did not see any formally-agreed change to the description of the proposal, it was reported to the Council's Development Control Committee on the basis of the description set out above and that was the description of it given on its Decision Notice. No objection to that was raised by the appellants. I have therefore adopted it in dealing with the appeal.
4. On 6 March 2014, the Government published its Planning Practice Guidance (PPG), which has superseded a range of previous guidance. The appellants refer to the draft version of this guidance in relation to assessments of housing land availability. Accordingly, I set aside time for the parties, including third parties who submitted representations on the appeal, to comment on any implications of this recent significant change to the wider context for their respective cases, and for them to respond to the opposing side's comments. I take their comments and responses into account in my decision.

Background and main issues

5. The Council cites three reasons for refusal and my main issues are framed around them. However, the appellants' case is very much premised on a

claimed shortage of housing land supply in the District, which is strongly disputed by the Council. Accordingly, any conclusions reached on the issues, especially if they demonstrate harm, will need to be set within the wider-ranging context of the current position on housing land supply in the District.

6. This is because paragraph 47 of the National Planning Policy Framework (NPPF) seeks a significant boost in the supply of housing nationally, a matter which will plainly carry significant weight in my considerations. Paragraph 49 requires housing applications to be considered in the context of a presumption in favour of sustainable development. It says that relevant policies for the supply of housing are not up-to-date if the Council cannot demonstrate a 5-year supply of deliverable housing sites.
7. This distinction is important when having regard to paragraph 14 of the NPPF. It says that a presumption in favour of sustainable development lies at the heart of the NPPF. It goes on to say that, for decision-making, where relevant policies are out-of-date, planning permission should be granted for development unless the adverse impacts would significantly and demonstrably outweigh the benefits, assessed against its policies as a whole. Put another way, if there is no 5-year supply of deliverable housing sites, any harm arising has to significantly and demonstrably outweigh the benefits for planning permission not to be granted and a balance needs to be struck accordingly.
8. With that in mind, the main issues are:
 - (a) whether the proposal would represent sustainable development, having regard to the NPPF;
 - (b) the effect of the proposal on the character and appearance of the surrounding countryside;
 - (c) the effect of the proposal on the safety of users of the road network in and around Huncote; and
 - (d) the balance to strike between harm and benefits arising in the light of the 5-year housing land supply position within the District.

Reasons

Whether sustainable development

9. The Council's reason for refusal says that the lack of sustainability of Huncote as a location for further housing development is contrary to the over-arching aims of the NPPF. It explains that the proposal would run counter to its support for a sustainable distribution of development, promoting the vitality of urban centres and managing patterns of growth to make the fullest possible use of more sustainable forms of transport. In the light of this, I take its objection to be concerned with the range of facilities offered in the village and its public transport and cycling and walking connections to local services.
10. The NPPF, at paragraph 7, identifies three dimensions to sustainable development, giving rise to the need for the planning system to perform a number of roles – economic, social and environmental. The Council's concerns on this issue relate most closely to the social role, of providing a supply of housing which relates well to the need for accessible local services that reflect the community's needs and support its health, social and cultural well-being.

11. Since I regard sustainability as the key main issue in this case, my conclusions, notably in the balancing exercise I undertake, will deal with all three dimensions to sustainable development, in so far as they are relevant to the proposal. With regard to the Council's specific concerns, what is important in assessing the range of available facilities and transport options for access to local services in the light of these requirements is whether Huncote offers realistic alternatives to reliance on the use of the car.
12. The Council has rated its villages on the basis of a broad sustainability index and Huncote comes out as a middle-ranking settlement according to its Settlement Hierarchy Report (SHR)¹. It has a primary school, two churches, a range of shops and food and drink opportunities at the local public house and fish-and-chip shop, so offers some the essential services and facilities which I would expect to find. The shops include hairdressers, a convenience store (which, at the time of my visit, Monday lunchtime, offered a basic range of fresh meat and vegetables) and a newsagent. The public house advertises a range of social events – quizzes, parties etc. These facilities are focused on the older part of the village, around the junction of Forest Road and Main Street, an undemanding 10-20 min walk from the site.
13. The SHR does not refer to The Pavilion, a large community centre, which bears out the observation on my site visit that it has either been newly-built, or modernised and extended, quite recently. This is located on the northern edge of the village and is therefore within easy reach of prospective occupiers. The evidence indicates that it provides for a wide range of fitness and sporting activities, including for children and older people, and hosts coffee mornings and children's birthday parties. It has two outside floodlit five-a-side pitches and there is a full-sized pitch and a BMX track close by. There is also a separate community centre based at the school and a church hall. In addition, the appellants refer me to the Council's PPG17 Study², which shows that there is good access within reasonable walking distance in Huncote to allotments, play areas and open and natural green space.
14. Huncote therefore has a reasonably wide range of facilities, notably, as regards community and social facilities. However, it has no healthcare provision nor does it provide employment opportunities on any more than the rudimentary level required to support local businesses. The Council's housing strategy officer comments that the proposal is likely to meet housing need from across the wider area. The appellants highlight the affordable housing element, initially put at 60% of overall provision. It is important, therefore, that sustainable transport links offer good access to employment, healthcare and shopping, on the basis that prospective occupiers would be likely to need to travel, and quite possibly rely on public transport, to access them. In my view, while the local shops are undoubtedly of benefit, they are of the sort which provide for convenience or "top up" shopping for food and household items.
15. A bus route runs through the village, which links it with Narborough, where (according to the Primary Care Trust) the great majority of existing residents access healthcare, and a wide range of shopping, commercial and employment facilities around Fosse Park, reached in about 20 min. Narborough has a railway station linking Leicester with Birmingham. The route continues to the

¹ See Section 9.13 of Settlement Hierarchy Report – Huncote is rated 13th most sustainable out of 25 villages.

² A PPG17 Study for Blaby District Council Final Report (June 2009) – see Appendix 9 of Planning Appeal Statement dated May 2013.

centre of Leicester. Buses run hourly from roughly 07.30 to 17.30, Mondays to Saturdays. There is no service in the early mornings, evenings or on Sundays. A more extensive service used to operate but this was reduced to its present level in 2010 and I note that third party representations refer to ongoing cutbacks in service provision. While the bus runs through major shopping areas, notably at Fosse Park, that is an out-of-town centre whose attraction is its convenience for the motorway network, which is reflected in its layout.

16. As regards walking or cycling, the appellants' contention that cyclists could use the bridleway north of the site to access services in Narborough is unrealistic. While it makes for a pleasant walk on a fine day, it cannot be regarded as a realistic option in the winter or on dark evenings. I noted on my visit that Huncote Road, which connects with the B4114 Coventry Road, has a footway along its northern side. However, it is narrow and vehicle speeds along this stretch of road are unrestricted. As will be seen from my assessment of the evidence on highway safety, there is evidence of drivers travelling at excessive speeds, leading to personal injury accidents. While none of those recorded have involved pedestrians, the notion that the road could be more regularly used in this way would invite greater risk to their safety and inevitably introduce a perception of risk on their part, to make it an unattractive option.
17. As matters stand, the bus service is too limited to represent a realistic alternative to the use of the car for those involved in flexible patterns of working, including shift working, even if it could provide daytime access to healthcare facilities in Narborough. The evidence is unclear as to how it could facilitate convenient access to food shopping on a regular basis, even if I take into account the ability of occupiers to shop on-line.
18. As for Huncote Road, I have little doubt that it could be used by experienced walkers or cyclists to access facilities in Narborough but it does not appear to be a feasible option for, say, young mothers with children needing, for example, to carry out a weekly shop. These are important drawbacks, in the context of a proposal which seeks to maximise the proportion of affordable housing, where (as I indicate) occupiers are more likely to be reliant on public transport. In relation to that, the appellants' suggestion that people working shifts could use taxis is also unrealistic.
19. In the light of this, when considering the available range of sustainable transport options, I conclude that, taken together, they do not represent, for normal day-to-day living and access to employment opportunities, a realistic alternative to reliance on the use of the car. I accept that the appellants' proposals in relation to travel packs, bus passes and improvements to bus stops would help towards promoting the use of the bus as an alternative transport option. However, that would make little difference to people's choice of the bus if the frequency of service were inadequate to cater for their day-to-day needs.
20. Accordingly, I conclude that, given its scale and emphasis on affordable housing, and having regard to the requirement to provide housing with good access to local services that reflect the community's needs and support its social well-being, the proposal does not represent sustainable development. It would harm one of the core planning principles of the NPPF, as set out in paragraph 17, that patterns of growth should be actively managed to make the fullest possible use of sustainable forms of transport and focus significant

development in locations which are or can be made sustainable. It would conflict with the aim of CS Policy CS10 to reduce the need to travel by private car by locating new development so that people can access services and facilities without having to rely on it.

Character and appearance

21. The Council considers that the proposal is contrary to saved Policy C2 of the Blaby District Local Plan (LP) and to Policy CS18 of the now-adopted Core Strategy. As I read it, Policy C2 maintains a presumption in principle against built development in the open countryside and the site is designated as such in the Proposals Map. Policy CS18 carries this presumption forward in relation to land which, the policy says, will be designated as countryside.
22. The Council recognises, however, that it needs to review what land would be included in such a designation. Retention of land as countryside will need to be balanced against the need to provide new development, including housing, in the most sustainable locations. This would be achieved by determining detailed boundaries through an Allocations, Designations and Development Management Development Plan Document (ADDM DPD). There is no version of such a DPD before me, even one which is in the early stages of adoption. Policy CS18 is up-to-date and adopts a balanced approach to designating land as open countryside, bearing in mind that, ultimately, it would defer to the ADDM DPD. In the context of this appeal, it renders LP Policy C2 out of date, as the housing land supply agenda has plainly moved on from 1999, when that plan was adopted.
23. The issue of whether there is a continuing need for housing in Huncote, and whether it is a sustainable location for new housing, is a matter for the Council in preparing the ADDM DPD. However, it must follow that the proposal would be capable of striking an appropriate balance between retention of the countryside and the need for housing unless it was to amount to a clear and harmful encroachment into a valued area of open countryside. I go on to consider what the effect of the proposal would be with this in mind.
24. The appeal site comprises two fields and is linear in shape. It has no local landscape designation, though it is close to a designated Area of Separation in the CS, which seeks to maintain a strategic gap between Narborough and Huncote. It is part of the Thurlaston Rolling Farmlands landscape character area but is of no designated or generally recognised landscape value. Its appearance is that of typical grazing land at the edge of a settlement. It has a pronounced "ridge and furrow" form, but is largely flat and is contained behind mature hedgerows forming boundaries to the west, north and east, albeit that there are gaps in places, notably in the western field.
25. It is well screened from Forest Road, and also from public rights of way to the north and east, by boundary hedgerows. Distant views of it are available from higher ground on the western edge of Narborough, from where the extent of visual containment provided by hedgerows is also apparent. From higher land to the south of the village, in the vicinity of Croft Hill, it blends into the wider backdrop of views of the village as it slopes down broadly from north to south.
26. The proposal would make for a relatively modest and logical extension to the northern edge of the village and provide for a substantial landscaped edge to development along its northern boundary. On its western edge, it would reflect

the Sports Field Lane development on the other side of Forest Road. From further north and east, it would appear largely as a composition of roof forms over hedgerows forming a strong landscaped boundary, much the same as at present. It would not represent intrusive encroachment into open countryside and would not register as such in more distant views from Narborough or Croft Hill, where the overall vista would remain essentially the same as at present. Some presently open views from properties on Denman Lane and Bennett Rise, and from the public footpath as it crosses the site, would be lost but that would be an inevitable consequence of extending the village in this fashion.

27. The appellants' Landscape and Visual Impact Assessment analyses effects in relation to a series of close-up and more distant views which the Council does not address in any detail. I accept that the cemetery would be surrounded to a greater extent by housing but its rural setting, removed from the built-up area of the village, has already been compromised by the housing at Sports Field Lane which abuts its southern boundary. The proposed minor cul-de-sac access on to Forest Road would interrupt an otherwise continuous landscaped boundary but not to an extent that would impart an intrusive suburban character. The proposed density of development would not appear materially greater than that of existing housing along Denman Lane.
28. The illustrative masterplan shows a greater degree of set back of residential gardens from the edge of the development, behind the access road and a landscaped buffer to fields beyond, which is more pronounced in the eastern field and in the central part of the site, where open/play space would be sited. The landscaped edge to built development would, once the planting matures, be stronger than at present, where gardens immediately back on to the fields.
29. In the light of this, I conclude that no material harm would arise to the character or appearance of the surrounding countryside. Although the proposal would conflict with LP Policy C2, I have given my reasons why I consider, for purposes of this appeal, that that policy is out-of-date. I consider that the proposal could strike an appropriate balance between retention of the countryside and the need for new housing that Policy CS18 envisages in signposting a review of the boundary of land designated as countryside. No conflict would therefore necessarily arise in so far as the policy seeks long-term protection of such land from built development. To that extent, it would contribute to the environmental role expected of sustainable development in so far as it would contribute to enhancing the natural environment.

Safety of Road Users

30. The Council's objection on this ground relates to the safety of users of the wider road network. From reading its statement, it appears to relate primarily to the junction of Denman Lane with Forest Road and of Huncote Road (the continuation of Narborough Road) with the B4114 Coventry Road. The Council refers to other road junctions in Huncote and to the primary school on Denman Lane but it is unclear what its concerns are. It refers to cumulative traffic movements from the proposal in combination with the development on the south side of Narborough Road. The appellants have prepared a Transport Assessment (TA), with addenda, which considers effects in relation to increased vehicle movements and any implications for highway safety.
31. The preparation of the TA follows discussion with the Highway Authority and focuses on capacity assessments of key road junctions in the village and at the

- junction of Huncote Road with the B4114 Coventry Road. Local highway safety and personal injury accidents are also assessed, as well as sustainable transport alternatives and means of promoting them. Further dialogue with the Highway Authority has focused on its concerns about the Huncote Road/B4114 junction, in the light of combined vehicle movements from all current housing schemes in the village. This has led to the production of a technical note dealing with possible junction improvements. In the light of this, the Highway Authority raises no objection to the proposal.
32. Based on surveys of existing traffic from Denman Lane and Bennett Rise, the TA makes the reasonable assumption that the majority of traffic generated by the proposal during the peak morning and afternoon periods will be in connection with commuting to the Leicester area. Vehicle movements will therefore focus on the junction of Denman Lane with Narborough Road and on the Huncote Road/B4114 junction. A smaller proportion of vehicle movements, mainly associated with drivers accessing the road network to the south and west, would use the junction of Denman Lane and Forest Road and a smaller proportion still the more awkward junction, in the heart of the village, between the latter and Main Street/Croft Hill Road.
33. The TA demonstrates that there is ample capacity at all the key junctions in the village and that additional traffic would have a barely discernible impact in terms of congestion and queuing. I was able to see for myself that visibility at the Denman Lane/Narborough Road junction is adequate, with wide footways and an open area of green space in the critical left direction. I observed that vehicle speeds tended to be fast along Forest Road north of the village but that drivers slowed down upon approaching the village and the various minor accesses near the junction with Denman Lane. I found that manoeuvring around the various junctions at the southern end of Forest Road, where it forks, can result in awkward turning movements. A high level of on-street parking at the southern end of Forest Road can impede the two-way passage of cars. However, that tends to keep drivers' speeds correspondingly low.
34. Recorded accidents over a period from 2008 to 2013 appear to be concentrated on Huncote/Narborough Road and the Huncote Road/B4114 junction. There are no recorded accidents at any of the junctions in the village or on Denman Lane, even at the Forest Road/Main Street junction, where visibility is recognised as poor. Accidents appear to be largely caused by excessive speeds and/or driver errors. The road has a winding alignment but an open (60mph) speed limit. A combination of both appears to have been the root cause of a recent fatality on the road, referred to in third-party representations.
35. The effect of the proposal at the Huncote Road/B4114 junction is of the greatest concern to the Highway Authority. The problem arises from queuing traffic on the minor road in the mornings, which is exacerbated by right turners impeding drivers turning left, often by poor positioning at the junction. This leads to frustration and an inclination to take greater risks. There is limited space for two lanes of traffic on the approach. The appellants explain that matters could be improved by re-locating a pedestrian refuge a few metres further to the south, at the junction, to create two clearly demarcated lanes on the immediate approach to it. The Highway Authority comments that the signalisation of a junction further south on the B4114 would have the effect of breaking up an otherwise unbroken flow of inbound traffic for Leicester. This not only impedes drivers turning left into it but also turning right across it.

36. These works could be covered by a "Grampian" condition requiring them to be carried out prior to the first occupation of any of the dwellings, and would represent an improvement over the current arrangements at the junction. I noted that traffic signals are in place at the next major junction south on the B4114 so the break-up of the morning peak-hour flows of traffic on that road should be already occurring. No issue is raised about right-turning traffic on the B4114 towards Huncote in the evenings. I noted that there is a substantial right-turning lane on the approach to the junction in any event.
37. With regard to conditions on Denman Lane and around the primary school, the proposal would be within easy walking distance of the school so it is difficult to envisage substantial traffic associated with it adding to any existing congestion. Such short-term congestion during "school run" times appears to be endemic wherever schools are located but no specific concerns are raised either by the Council or the Highway Authority. The road is of adequate width to allow two cars to pass with ease and dwellings along it have off-street parking provision. I saw no evidence of on-street parking pressures along the road, or of "overspill" residential parking in the vicinity of the junction with Forest Road, in the course of my visit. While the latter may occur in the evenings, I see no reason why that should necessarily impact on morning and evening peak flows.
38. I note the report on the TA which was commissioned by objectors and the traffic count from February 2012. It draws attention to the junctions of Forest Road/Main Street and Huncote Road/B4114. I have given reasons why I consider that the former is likely to be only relatively lightly used and its obvious limitations would require drivers to exercise care in any event. While I note the report's comment regarding the latter, the Highway Authority is satisfied with the junction improvements proposed. The traffic count does not appear to materially alter the position regarding junction capacity in Huncote.
39. I therefore conclude that, subject to the carrying out of improvements at the Huncote Road/B4114 junction as I have described, the proposal would pose no material risk to the safety of users of the road network in and around Huncote. The Council has not cited any planning policies in its reason for refusal. Policy CS10 has a highway safety dimension in so far as it seeks to limit the impact of new development on levels of vehicle movements and congestion. The proposal would comply with this aim, even if it would conflict with its wider aim to locate new development having regard to sustainable transport options.

Housing land supply

40. As I have indicated, the appellants' case is largely premised on a shortage of housing land supply in the District, taken as a whole. The last phrase is important because the position in Blaby is heavily skewed by the reliance that the Council places, in meeting its requirement for new housing, on a Sustainable Urban Extension (SUE) at Lubbethorpe, effectively a major westward extension to the built-up area of Leicester.
41. This type of urban extension, whose preferred location is confirmed in Policy CS3 of the Council's Core Strategy (CS), adopted in February 2013³, is in line with the Council's over-arching strategy, set out in Policy CS1, of focusing new development on the Principal Urban Area (PUA) of Leicester. Outside the PUA (referred to in the evidence as the "non-PUA"), development would be focused

³ Blaby District Local Plan (Core Strategy) Development Plan Document

on Blaby itself and the larger villages (referred to as the “Larger Central Villages”). Huncote is a further tier down in the settlement hierarchy, being a “Medium Central Village”. The effect of dividing the District into two discrete areas for purposes of assessing housing land supply is that it can lead to a disaggregated approach, whereas I concur with the appellants’ view that the position should be assessed across the District as a whole.

42. It would be wrong, therefore, to argue that any “sufficiency” of housing land in the non-PUA, set against a 5-year target, should be used, in the absence of a District-wide supply, to block development in the non-PUA on the basis that it would undermine the objective of focusing development on the PUA. However, the Council, in statements responding to the appellants’ housing land supply arguments and commenting on the PPG, argues that it has such a supply, based on the over-arching aims of its strategy for new housing. The appellants raise a number of doubts about the deliverability, at least in the short term, of the SUE. In its evidence, the Council demonstrates that the SUE is on course to deliver housing broadly in line with its projected timetable. This is in spite of major infrastructure requirements, which includes two new motorway bridges.
43. In reaching its “bottom-line” figure on housing land supply, the Council places significant weight on a recent appeal decision, for development at Whetstone⁴, in which it was considered in detail. The Inspector agreed that, on an assumption of 650 houses coming forward from the SUE from 2013 to 2018, it could demonstrate 5.56 years’ housing land supply. He accepted the figure for delivery from the SUE in evidence given to the hearing, as the appellants in that case were also part of the developers’ consortium promoting the SUE.
44. In their response to this finding, the appellants accept the Council’s estimate of the resulting number of dwellings which could be delivered over the period (2,936) and that, on its method of calculation, that would result in 5.56 years’ supply. However, they point out that that was based on apportioning the accumulated shortfall in supply to 2013 over the remainder of the plan period, to 2029 (the so-called “Liverpool” method). Their preferred approach is to apportion it over the next 5 years (the “Sedgefield” method). They say that that it is the method supported in more recent guidance, principally the PPG, and appeal decisions and refer me to the aims expressed in paragraph 47 of the NPPF. This point is reiterated with emphasis in their response to the Council’s detailed comments on the PPG.
45. The appellants had referred to the consultation draft of the PPG as one source for their support for the Sedgefield method. The finalised version of the guidance says only that authorities “should aim to deal with any undersupply within the first 5 years of the plan period where possible”⁵. Where not possible, it is a matter for authorities working together under the duty to cooperate. If calculated by that method, supply would not meet an increased requirement, for 3,440 houses, and a figure of 4.27 years’ supply results. In commenting on the PPG, the Council stresses that it is guidance, not policy, and that its provisions should not be rigidly followed as if they were statutorily-based. It reiterates the up-to-date and sound status of the CS and that it complies with the NPPF with regard to managing housing delivery.

⁴ Decision ref. APP/T2405/A/13/2193758: Land East of Springwell Lane, Whetstone issued on 1 August 2013.

⁵ Planning Practice Guidance Ref. ID 3-035-20140306

46. The Council's two statements on housing land supply (as described above) were submitted, to some extent, on an ad hoc basis. I nevertheless find that they give a useful overview, in the context of this appeal, of the Council's housing strategy. The appellants were given time to respond to both. They do not appear to dispute their various detailed findings. To that extent, I accord them significant weight. They explain the limited number of options for a SUE and that the only feasible one was the site at Lubbesthorpe. The approach of focusing housing delivery on an urban extension was one which was endorsed by the Inspector who examined the CS, as was the choice of site. It is at the heart of the Council's vision for the future level and distribution of housing in the District, as part of a recently-adopted local plan.
47. Aside from whether one adopts the Liverpool or Sedgfield approach, I can see (and the Council explains) that adopting such a strategy will have implications for the timing of housing delivery. The constrained nature of the PUA and a longer lead-in time for the SUE are, according to the Council, responsible for the current shortfall (on its latest housing supply trajectory) of 967 dwellings. However, the intention is that that would be accommodated as part of the SUE and planning permission has now been granted for a development of over 4,000 houses over an area conforming to that identified in the CS. It is estimated that the first dwellings will be coming forward in 2014/15. Even on a conservative view of how many houses could be delivered, the trajectory shows how the whole of the PUA requirement will be delivered by 2029. No other significant sources of supply within the PUA are identified.
48. There is a separate housing target for the non-PUA which the Council points out is already well on the way to being met for the whole plan period. I acknowledge the Council's reservations about whether the current rate of release of housing land in the non-PUA (on figures from 2010-2013) is excessive. Its concerns seem to me to be that it may be responding to a housing land supply shortfall which, if a more measured view is taken regarding the long-term contribution from the PUA, does not need to be met in the short term. I deal with this when assessing how the CS treats future housing land supply from Huncote. For now, I go on to deal with the parties' differences regarding the method of accommodating current shortfall.
49. I start by saying that the Council accepted for examination purposes that it had a record of previous persistent under-delivery, as described in the second bullet point of paragraph 47 of the NPPF, and so added a buffer of 20% to its housing requirement figures. It explains that, as part of its preparation for the CS examination, it was asked a series of questions by the Inspector about whether there would be a 5-year supply of deliverable housing sites. In responding, it made it clear to the Inspector that its housing trajectory shows a shortfall since 2006 which would be managed by accommodating it over the remaining plan period. This approach was challenged at the examination by an objector on the basis that, adopting the Sedgfield approach, it could not demonstrate a 5-year housing land supply at any point in the plan period.
50. The Council's view was that managing housing supply in that way was a response to the only realistic opportunity to achieve sustainable development, in the form of an extension to the PUA delivered later on in the plan period. This was accepted by the Inspector as an appropriate response to local circumstances and, on this basis, he concluded that the CS would provide for a 5-year supply of deliverable housing sites. The Whetstone appeal Inspector

was of the same view, adding that, given the recent date of examination of the CS and its adoption, it would be premature to take a different approach. In a more recent appeal decision still, from January 2014⁶, the Inspector also indicates that the Council has been able to demonstrate a 5-year supply of deliverable housing sites, in very similar circumstances to those of this appeal.

51. I have seen no evidence from the appellants which persuades me to depart from the views of these Inspectors as regards the soundness of the approach adopted in the CS. They refer to two other recent appeal decisions but neither relates to the particular circumstances applying to Blaby. The appellants accept that there are arguments in favour of both approaches to dealing with existing shortfalls while referring me to the more recently-published PPG favouring the Sedgefield method.
52. In my view, there are arguments for and against both methods. The particular circumstances of Blaby District have led the Council to adopt a housing strategy which manages supply over the longer term. Paragraph 10 of the NPPF makes clear that plans and decisions need to take local circumstances into account, so that they can respond to the different opportunities for achieving sustainable development in different areas. However, there is a need to significantly boost housing supply in the short term, irrespective of any longer-term reliance on the SUE.
53. Whichever method is adopted, it does not alter the fact that the Government is looking for sustainable new housing development. A consequence of loading any current shortfalls on to the first 5 years of the plan period would be that it would risk focusing new development on less sustainable rural settlements in the non-PUA. That is an important consideration in this appeal, to which I shall return in my balancing exercise.
54. For now, I go on to look at the supply position in the non-PUA. It seems to me that whether a site meets an identified need and whether it represents sustainable development is a matter for judgment on a case-by-case basis, having regard to the circumstances, and the wider supply position. Of the five medium central villages identified in the CS, the Inspector modified the CS to show a combined housing target of 815 houses over the plan period. This was in contrast to individual targets for each village cited by the Council. Such an approach he considered lacked flexibility and I can see how it could too readily act as a ceiling on new development for individual settlements.
55. The available evidence in relation to this target in the Council's Committee Report indicates that, at 1 July 2012, some 610 houses had been built or committed, leaving a balance of 205. There have been further developments in Huncote since then, at Sports Field Lane and south of Narborough Road, the former completed, the latter in the early stages of development, providing for a total of 108 dwellings⁷. In its more recent statements, the Council points to a remaining "balance", within the non-PUA overall, of only 160 houses (following the Whetstone decision, in August 2013) against a target of 2,990 houses over the whole of the plan period (2006-2029). This means, in effect, that the identified requirement for new housing for the non-PUA up to 2029 had virtually, by August 2013, already been granted planning permission.

⁶ Decision Ref. APP/T2405/A/13/2200867: Land at Seine Lane/Forest Road, Enderby, Leicestershire.

⁷ This is made up of 23 dwellings from the Sports Field Lane scheme and 85 dwellings from land south of Narborough Road.

56. Given the evidence relating to the need for affordable housing in the CS⁸, the proposal must still be considered welcome, aside from these considerations. On the wider supply position, however, any remaining need for new housing within the non-PUA, taken by itself, is unlikely, in my view, to be a matter carrying any great weight. However, that does not alter the over-arching need to significantly boost the supply of housing, where sites are suitable.
57. In the light of this, how to apportion the current shortfall and whether the Council can demonstrate a 5-year supply of deliverable housing sites within the District is not a matter on which it is possible to come to a firm conclusion. The evidence before me from the Council arguing for the Liverpool approach, as a response to the particular circumstances in the District, has not been shown to be flawed. On the other hand, however much the Council wishes to downplay it, it cannot be denied that the more recently-published PPG, with its preference for the Sedgefield method, is a material consideration to be taken into account. I explore the implications of this in my balancing exercise. Before I move on to that, there are a number of other issues I must deal with.

Other issues

58. The appeal is accompanied by a completed, signed Agreement between the appellants together with relevant landowning interests, the Council and Leicestershire County Council under s106 of the Town and Country Planning Act 1990 as amended. It provides for a range of infrastructure contributions together with a commitment to a minimum level of affordable housing provision, in line with the Council's policies and on an agreed basis, and long-term maintenance of on-site open space. The Agreement seeks to meet any strain on local infrastructure provision arising from the proposal, a source of much concern in third-party representations.
59. Were I to allow the appeal, I would need to establish whether it meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended. However, since I am dismissing the appeal, this is not a matter which I need to pursue further, other than to take its existence into account in my considerations.
60. Following discussions with its archaeological advisers, the Council has no objection to the loss of the ridge and furrow landform across the site. Its reasons, and a full account of the discussions that took place, are given in its Committee Report. In the light of this, I see no reason to take a different view.
61. Similarly, regarding any effects on Great Crested Newts, which have been found to the north and east of the site, the Council has had discussions with the appellants' biodiversity advisers. It is satisfied as to the thoroughness of surveys undertaken and mitigation measures and, again, I see no reason to take a different view. Objectors claim that a small pond in a corner of the western field was omitted but it had dried up at the time of the appellants' survey, in Spring 2011, and was not considered a suitable breeding site. I saw no clear sign of it during my visit, in spite of wet underfoot conditions.
62. I note the view of the Council's biodiversity advisers that the fields comprise species-rich semi-improved meadow grassland, and the discussions which ensued with the appellants and landowning interests. The evidence indicates

⁸ See paragraphs 7.7.1-7.7.9 of the Core Strategy

that (at the time surveyed by the County Council's Ecologist) the fields contained a sufficient diversity of species of flora to partly meet County Wildlife Site designation criteria. However, any such designation would need to be with the landowner's agreement and the site is not protected in this respect. Given this, and an apparent degree of uncertainty as to its overall biodiversity value, any dismissal of the appeal on these further grounds could not be justified.

Balancing exercise

63. Having regard to the aspiration of the NPPF to encourage the sustainable provision of new housing in the short term, I take the view that the key issue for me to consider is whether the proposal represents sustainable development. I have indicated that, as regards its effect on the character and appearance of the area, it could fulfil an environmental role by enhancing the natural environment and be regarded as such on that account. However, more importantly, in the context of this appeal, it would not fulfil a social role as regards providing accessibility to the local services likely to be important in meeting peoples' needs. Any such role it fulfils in providing affordable housing must be tempered by these considerations.
64. To that extent, the proposal cannot be argued to represent sustainable development, for the reasons I have given. This is a fundamental drawback, which goes to the heart of the aspirations of the Council's CS and the NPPF alike to promote sustainable new development, having regard to local circumstances. It would run counter to the aim of fostering a sustainable distribution of development and managing patterns of growth to make the fullest possible use of more sustainable forms of transport. I accept that the proposal would give rise to benefits, not least in so far as it would meet an identified need for affordable housing and provide for improvements at the Huncote Road/B4114 junction. However, these benefits cannot outweigh the key shortcoming which I have identified.
65. As for Liverpool/Sedgefield, were I to assume that the Sedgefield method of apportioning current shortfall in housing land supply should be preferred, the CS would, to that extent, be regarded as out-of-date, in the light of the more recently-published PPG. This would represent a worst-case scenario from the Council's perspective.
66. However, the shortcoming which I have identified would in my judgment amount to an adverse impact sufficient to significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, having the requirements of paragraph 14 of the NPPF in mind. These include the provision of housing where there is an under-supply against a 5-year (plus buffer) requirement. If, as the Council argues, the Liverpool method is to be preferred, the extent to which the harm would need to outweigh the benefits would inevitably be reduced and so, not surprisingly, my conclusion would be no different.

Conclusions

67. I have had regard to all other matters raised by the appellants and in representations both on the appeal and at the application stage. Nothing in them persuades me to alter my conclusions on the main issues I have identified or on the balance to be struck between the harm and the benefits

arising, whatever the housing land supply position. In the light of this, I conclude that the appeal should be dismissed.

C M Hoult

INSPECTOR

Richborough Estates