



Appeal Decision

Inquiry held on 9-12 September 2014

Site visit made on 12 September 2014

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 27 October 2014

Appeal Ref: APP/F1040/A/14/2214428

Land at 50 High Street, Linton, Swadlincote, Derbyshire, DE12 6QL

- 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 Gladman Developments Ltd against the decision of South Derbyshire District Council.
 - The application Ref 9/2013/0689, dated 21 August 2013, was refused by notice dated 19 December 2013.
 - The development proposed is an outline application for 110 dwellings; access to be taken from High Street, Linton; 50 High Street to be demolished for access purposes.
-

Decision

1. The appeal is allowed and outline planning permission is granted for 110 dwellings; access to be taken from High Street, Linton; 50 High Street to be demolished for access purposes at land at 50 High Street, Linton, Swadlincote, Derbyshire, DE12 6QL in accordance with the terms of the application Ref 9/2013/0689, dated 21 August 2013, and the plans submitted with it, subject to the conditions set out in the attached schedule below.

Application for costs

2. At the Inquiry an application for costs was made by Gladman Developments Ltd against South Derbyshire District Council. This application is the subject of a separate Decision.

Procedural matters

3. All matters of detail except access have been reserved for future approval. In addition to a site location plan, and a plan showing the location and details of the proposed vehicular access, an indicative site layout was submitted¹, which together with the Design and Access Statement and a Landscape and Visual Appraisal, give a likely indication of the impact of the proposed development.
4. A Section 106 Unilateral Undertaking², dated 17 September 2014, has been signed by the landowners and Gladman Developments Ltd, to South Derbyshire District Council, to secure contributions towards community facilities for Linton, maintenance of residential open space, outdoor facilities and household waste management facilities, and the provision of an area of National Forest Planting

¹ Drawing Ref. 5536-L-01 Revision G, entitled Development Framework; dated August 2013.

² Inquiry Document 42.

comprising 20% of the area of the application site. I return to the Unilateral Undertaking later in my decision.

5. A Statement of Common Ground (SCG)³ sets out the issues that are in dispute between the main parties, which relate closely to the reason for refusal, i.e. whether the development would be in scale and keeping with the character of the settlement and whether it should be permitted outside the identified built confine; whether it would have an unacceptable impact on the character of the landscape and setting of Linton; and the degree to which Linton can be considered a sustainable location for additional housing growth.
6. Linton Village Action Group (LVAG) sought, and was granted, Rule 6 status under the Inquiry Procedure Rules and was duly represented at the Inquiry.
7. A significant number of planning appeal decisions was drawn to my attention, both in written evidence and during the Inquiry. In the interests of conciseness, I have been selective in those that I have specifically referred to in my decision, although I have taken all of them into account.
8. A formal site inspection took place during the afternoon of 12 September 2014, after the close of the Inquiry, which included several viewpoints as well as the appeal site. I also made an unaccompanied site visit to view the site in its context on the afternoon of 8 September, immediately prior to the start of the Inquiry.

Main Issues

9. From considering all the written evidence, the oral evidence given at the Inquiry and from my observations of the appeal site and its surroundings, I consider that the main issues are:
 - (1) Whether the proposal is necessary to meet the District's need for market and affordable housing.
 - (2) Whether the proposal would be a sustainable form of development.
 - (3) The effect of the proposed development on the character and appearance of the surrounding countryside and the setting of the village of Linton.

Reasons

10. The 4.74ha appeal site comprises a broadly rectangular, agricultural field, situated immediately to the west of the village of Linton. It is traversed by three public footpaths. The field gradually slopes down towards the south/south-west, with a slight drop from the back gardens of the properties of Warren Drive, to the east of the site, to the site itself. The established hedgerows and trees along its boundaries provide significant enclosure. It is also visually contained to the south-east by Long Close Wood, one of several tracts of woodland, some recently planted, in the surrounding area.
11. The site is located outside the 'village confine' boundary in the Adopted Local Plan (ALP)⁴. The only existing dwelling, on High Street on the southern edge of the site, would be demolished, to enable the visibility splays for the proposed

³ Statement of Common Ground (SCG) between South Derbyshire and Gladman Developments Ltd; August 2014.

⁴ South Derbyshire District Council: South Derbyshire Local Plan, Adopted Version; May 1998 – Inset 16 on the Proposals Map shows the boundary of the Linton Village Confine.

access to be implemented in accordance with highway safety standards. Linton is a free standing village in the countryside. It is clearly separated from the nearby village of High Cross to the north-east, which almost merges at its eastern edge with the outskirts of the town of Swadlincote. The centre of Linton lies about 4 kilometres from Swadlincote town centre.

Issue 1: Whether the proposal is necessary to meet the requirements of the District for market and affordable housing

The policy context

12. At the heart of national planning policy, the Government aims to boost significantly the supply of housing. To deliver this, the *Framework*⁵ (paragraph 47 [1] and [2]) requires local planning authorities to identify and update annually specific, deliverable sites sufficient to provide five years' supply of housing against their objectively assessed housing requirements. An additional 5% (moved forward from later in the plan period) is to ensure choice and competition, increased to 20% where there has been persistent under-delivery of housing.
13. The importance of meeting housing need is also highlighted in the emerging Local Plan (eLP) for South Derbyshire⁶. The eLP states (paragraph 2.1) that the District is "*currently one of the fastest growing areas in England*" and "*House prices remain unaffordable for many in the District and recent house price rises are likely to increase the number of people unable to afford to buy or rent a home in the District*". This is a ringing endorsement of the importance of responding to the need for more housing through a solutions based strategy rather than relying on a negative and restrictive approach.
14. There was agreement in the SCG that the Council does not have the minimum 5 year supply of housing land, and that South Derbyshire currently suffers from a significant deficiency in the supply of affordable housing. It was also demonstrated that the Council has persistently under-delivered on affordable housing, with only one year since 2005/06 where the number of completions has exceeded the annualised requirement set in the ALP⁷.
15. The Council's assessment of its housing provision over the period 2014-2019, published in May 2014, showed a supply figure of 2.98 years. LVAG (the Rule 6 Party) drew my attention to a housing supply update, dated August 2014, which increased the figure to 3.88 years. This is still significantly short of the 5 year requirement and has not been independently tested.
16. LVAG also contended that the need for a 5 year housing land supply is a temporary phenomenon, and as a consequence the weight given to this consideration should be reduced. LVAG's view, however, flies in the face of both the evidence, stemming from the Barker Review of ten years ago and a host of studies on housing need since then which have consistently pointed to the seriousness of national housing need; and also Government policy. For these reasons I cannot agree with LVAG's view.
17. The Council accepted in its decision notice that the authority lacked a 5 year supply of deliverable homes, but it stated that this was outweighed by other

⁵ Department of Communities and Local Government: National Planning Policy Framework (*the Framework*); March 2012.

⁶ South Derbyshire District Council: South Derbyshire Pre-Submission Local Plan Part 1; March 2014.

⁷ Proof of Evidence by Timothy Dean on behalf of the Appellant; August 2014 (Table 2, page 42).

considerations. The first of these was that the proposal was in conflict with ALP environment policy EV1, which does not permit new development outside settlements, unless it is essential to a rural based activity (which clearly does not apply here); or is unavoidable in the countryside; or safeguards and protects the character of the countryside, including landscape quality. The Council also stated that the proposal was in conflict with ALP housing policy H5, which requires that development is in scale and keeping with the character of the settlement and is within the built confine; and policy H8, which relates to long term rural activities.

18. The Appellant agreed that the proposal was contrary to the first two ALP policies. It questioned, however, the relevance of policy H8, which focuses on rural activities, such as farming or forestry. I agree with the Appellant's reasoning on policy H8 and I therefore consider that the only two relevant policies for me to consider are EV1 and H5.
19. It is therefore necessary to establish the status of these policies and how much weight they can be given. With this in mind, two paragraphs in *the Framework* come into play. Firstly, paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph states: "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".
20. If the presumption in favour of sustainable development does apply, then paragraph 14 sets out how this is to be done. It does this in terms of a planning balance, and I will return to this in the final section of my decision.

The status of the relevant Adopted Local Plan (ALP) policies

21. In this section I consider whether ALP policies EV1 and H5 are relevant in terms of housing supply and whether they are up-to-date, which determines what weight they are to be given.
22. *The Framework* makes it clear (paragraphs 2 and 12) that the development plan is the starting point for decision making. The Council's ALP is a saved Local Plan under the terms of the Secretary of State's Direction, as articulated in the Government's saving letter of 21 September 2007.⁸ The letter, however, makes it clear that the policies which are saved under this Direction are only included on the basis that they ensure continuity in the plan-led system and a stable planning framework locally and in particular, a continual supply of land for development (my underlining). The ALP, with a plan period ending in 2001, has failed to achieve these important objectives.
23. The Government's saving letter goes on to state that "*The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes....Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national...policy and also new evidence, will be afforded considerable weight in decisions*".

⁸ Letter from Government Office for the East Midlands to South Derbyshire District Council; 21 September 2007 [Inquiry Document 20].

24. It is clear that where an authority has not made good progress in its development plan preparation, as in the case of South Derbyshire, especially in meeting the requirements of national housing policy, that saved policies such as EV1 and H5 can be only be given little weight. *The Framework* states (paragraph 215) that any weight that is given to (local plan) policies will depend on the degree of consistency with *the Framework*.
25. The Appellant considered that both policies EV1 and H5 were relevant to paragraph 49 of *the Framework*, as they were concerned with housing supply, albeit in a restrictive way. They were part of a local plan that was out-of-date, both in its plan period, which expired in 2001, and because all the housing provision had been taken up several years ago. It was therefore argued that the ALP now failed to address the current housing requirement of the District.
26. The Council argued that policy EV1 was not a housing supply policy, but was there to ensure that the countryside was protected, and therefore was not caught by the presumption of sustainable development in paragraph 49 of *the Framework*. However, the Council accepted in cross-examination (xx) that the District's housing needs cannot be met inside settlement boundaries, including the village confine of Linton, and that policy H5, which limits new development at Linton to within the village confines, is restrictive.
27. There has also been consideration in a number of appeal decisions as to whether EV1 type policies are housing supply policies or are confined to protecting the countryside. The Council pointed to the need for a balance between providing the necessary housing to meet the District's needs and protecting the countryside. It was unable, however, to point to any policy in the ALP which addressed the serious housing needs of South Derbyshire or where it was giving a policy lead to respond to the strategic aim in *the Framework* to boost significantly the supply of new housing.
28. I therefore consider that paragraph 49 of *the Framework* does apply in this appeal. This view accords with several recent appeal decisions relating to large housing developments where the relevant local plan policies were considered to be out-of-date in relation to national planning policy. One of these decisions⁹ concluded that local plan policies which in the absence of a 5 year supply of new housing, can provide no guidance for the amount of new housing that may be appropriate for any particular level of the identified hierarchy, can be ascribed very little weight.
29. In another recent appeal decision¹⁰ the Inspector stated that "*It seems to me that in the context of the NPPF's stated aim "to boost the supply of housing" (paragraph 47), the provisions of paragraph 49 are intended to ensure that, where existing Local Plan policies have failed to secure a five-year supply of housing sites, housing applications should be assessed not by reference to those policies but rather by using the approach set out in paragraph 14.*"
30. Another recent decision¹¹ concludes that a policy which was out of date (expiry date 2011) which limits development outside development boundaries "*is not designed to meet housing needs in 2014. It is out of date on its own terms*

⁹ Appeal Decision APP/G1630/A/13/2209001; development of 47 dwellings at land to the south of Beckford Road, Alderton, Tewksbury; allowed on 22 May 2014.

¹⁰ Appeal Decision APP/J1860/A/13/2197037; development of up to 50 houses at Lawn Farm, Drake Street, Welland, Malvern, WR13 6LP; allowed on 20 January 2014.

¹¹ Appeal Decision APP/H1840/A/13/2199085; development of 500 dwellings, etc. at Pulley Lane, etc., Droitwich Spa; allowed on 2 July 2014.

and in the context of today's changed policy, economic and legal context. It is not based on the full objectively assessed needs in 2014. It cannot therefore be afforded weight in the context of this case because it is no longer fit for purpose. In my view it should be given very little weight."

31. My attention was also drawn to the recent South Northamptonshire High Court Judgment (HCJ)¹² which stated that local plan policies which severely restrain development in the open countryside fall somewhere between policies that are not housing supply policies and those that are. In this HCJ, Mr Justice Ouseley stated (paragraph 47) that there is a test to determine whether such policies are caught by the presumption in favour of sustainable development in paragraph 49 of *the Framework*. He stated that these policies either amount to what I would term a 'blanket ban' on development in the countryside, or they protect the particular character of a village or a specific landscape designation, such as a green wedge. The Judge stated that these latter policies were not caught by paragraph 49 of *the Framework*, but the first category were.
32. The Appellant, in summarising the HCJ, stated that the 'blanket ban' type of policies are the very sort of policies that paragraph 49 has to neutralise if *the Framework* is to achieve the aim of significantly boosting housing supply. In my judgment, policy EV1 clearly falls into the 'blanket ban' category of countryside protection policies, for the reasons expressed in the HCJ. I therefore agree with the conclusions of the appeal decisions which I have quoted from above, that policies EV1 and H5 fail to address the current issue of housing need in South Derbyshire, which the eLP accepts is serious in the District. If the policies do not address housing supply, this also illustrates the seriousness of the omission, due mainly to the ALP being overtaken by events by several years; either way the ALP is not fit for purpose and can be given little weight in determining this appeal.

The Council's defence of the status of the Adopted Local Plan (ALP)

33. The Council referred me to two recent appeal decisions in support of its reliance on the ALP; one decision relied upon policies EV1 and H5 to justify the dismissal of housing in the countryside at Weston-on-Trent within South Derbyshire¹³; and a second decision refused a much larger development at Irchester, in a nearby District¹⁴ where the Inspector applied policies which were broadly equivalent to policies EV1 and H5. The Weston-on-Trent decision is silent on *the Framework's* aim to boost significantly the supply of housing, doubtless accounted for by the fact that the housing gain (just one dwelling) was minimal in relation to need, whilst the impact of the proposal on "*long range views of the Trent Valley*" was considered to be harmful. This decision is not comparable to the appeal before me and can be afforded little weight.
34. The Irchester appeal decision relates to a proposal for up to 124 dwellings. It addresses policy G6, which seeks to resist development of any kind in the countryside (albeit with a few provisos), which is broadly similar to policy EV1 before me. The decision accepts that the policy (and at least one other) may

¹² High Court Judgment between South Northamptonshire Council (claimant) and Secretary of State for Communities and Local Government and Barwood Land and Estates Ltd (defendants)-in particular paragraphs 43-47; 10 March 2014.

¹³ Appeal Decision APP/F1040/A/13/2202043; the development of a dwelling at The Field, Trent Lane, Weston-on-Trent, Derbyshire, DE72 2BT; dismissed on 3 January 2014.

¹⁴ Appeal Decision APP/H2835/A/12/2182431; erection of up to 124 dwellings (including affordable homes) and new medical centre, together with use of additional land for sport and recreation at land west of High Street, and off Alfred Street, Irchester, Northants; dismissed on 5 June 2013.

also have an effect on housing supply, although it states that this is not its primary purpose.

35. The Irchester Inspector concludes that Wellingborough Borough Council has a serious shortfall in relation to its 5 year housing land supply target, to which he gives substantial weight. It is clear in that decision, however, that the benefits of the proposal, for example addressing housing need, were outweighed by serious harm both to highway safety and visual impact on both the character of the countryside and the setting of the older part of the village. This decision is therefore not directly comparable to the appeal before me. Furthermore, the South Northamptonshire HCJ seems to override the Irchester decision's paragraph 64, i.e. that its countryside policy should not be regarded as out-of-date in relation to paragraph 49 of *the Framework*. This further limits any weight that I can give to this decision.

Status of the emerging Local Plan (eLP)

36. When the Council's planning witness was asked in xx whether the ALP said anything about meeting the District's housing needs post 2001, the answer given was that this was a matter for the eLP. Although the Council stated that the eLP should not be given much weight because it has not yet been examined, LVAG argued that it should be given significant weight on the grounds that it is procedurally well advanced to the point that it has been submitted to the Secretary of State for Examination (on 8 August 2014).
37. *The Framework* states (paragraph 216) that decision makers may also give weight to relevant policies in emerging plans according to three criteria, the first of which relates to the stage of preparation. Although the eLP has been submitted for Examination, the testing of the evidence at the Hearings has not yet taken place. Whether there have been many representations against the plan or few, the plan has not yet been tested, and at this time there is no guarantee that it will be found sound by an Inspector. I therefore agree with the Council and the SCG that the eLP should carry little weight in this appeal.
38. This means that there is currently a development plan policy vacuum in relation to the provision of housing in South Derbyshire based on the revocation of the East Midlands Regional Spatial Strategy, the demise of the Derbyshire Structure Plan, the antiquity of the ALP, and the early stage of the preparation of the eLP.

Affordable housing

39. The District has only achieved 9% of its housing completions over the period 2005/06 – 2013/14 as affordable homes. The Appellant's evidence, which was not challenged at the Inquiry, shows affordable housing provision declined significantly, from 90 dwellings completed in 2010/11, to 23 completions in 2013/14. This is significantly below the 30% completion rate being targeted in the eLP (policy H20), and the amount included in the proposal before me. There is clearly an urgent need to address affordable housing provision in the District, which the proposal would help to meet by delivering 33 units.

Conclusion

40. I therefore conclude that the lack of a 5 year supply of housing land carries significant weight in favour of the proposal. Although the proposal is contrary to ALP policies EV1 and H5, these have little weight; they are out of date both

in their age but also because the housing provision in the ALP has long been used up. As 'blanket ban' policies they patently fail to address the current issue of housing need in South Derbyshire, and the South Northamptonshire HCJ along with several appeal decisions, confirm my conclusion that such out-of-date policies should be given little weight. I have also found that the untested eLP should be given little weight.

41. Neither of the appeal cases submitted by the Council in support of its ALP policies outweigh my conclusion that these policies should be given little weight. The presumption in paragraph 49 of *the Framework* in favour of sustainable development therefore applies, and I will address paragraph 14 of *the Framework* in the final section of this decision, which sets out the considerations that I have to take into account in applying the presumption.
42. Finally I have found that the serious affordable housing need in the District combined with the significant under-provision over recent years is a significant material consideration in support of the proposal in its own right.

Issue 2: Whether the proposal would be a sustainable form of development

The three dimensions of sustainability

43. Paragraph 7 of *the Framework* sets out the three interdependent dimensions of sustainable development – economic, social and environmental. The Council accepted that in some respects, the proposal would address these dimensions. In xx, the Council's planning witness agreed that the proposal was supported in relation to its economic and social roles, as set out in the core planning principles in paragraph 17 [3]. The Council also accepted the importance of economic growth as central to national policy, as highlighted in paragraphs 18-21. This leaves the principal areas of disagreement between the main parties relating to the environmental role, which I address in my third issue below, and the sustainability of the village of Linton, both in terms of its access to services and facilities, and impacts on its existing community infrastructure, both of which I address below.

Locational sustainability

44. One of the reasons for refusal was based on the Council's view that Linton was an unsustainable location in relation to the scale of the proposal, because it was a Local Service Village, with a limited range of facilities and services; such settlements had a policy restriction of a maximum of 15 dwellings. The Council's recently published *Settlement Hierarchy*¹⁵ paper, as input to the eLP, sets out both the quantum of service provision for each level of the settlement hierarchy and the size of housing development that would be acceptable at each of these levels. The Council also submitted a map which identified the locations of the services currently operating in the village¹⁶.
45. The *Settlement Hierarchy* has re-evaluated the number of services in Linton, resulting in its reclassification as a Key Service Village; these villages are considered to be the most sustainable settlements outside urban areas, which can accommodate a scale of growth of up to and including strategic sites (100

¹⁵ South Derbyshire Local Development Framework: Core Strategy Topic Paper – *Settlement Hierarchy*; July 2014 [Inquiry Document 4].

¹⁶ Map showing Linton Services [Inquiry Document 17].

dwelling plus). It was also agreed by the main parties, following a joint scoping exercise, that there were sufficient employment sites within a 2 kilometre radius to further justify the sustainability credentials of Linton.

46. Additional support for the sustainability of Linton comes from the recent Council decision to grant planning permission for 23 dwellings at Coton Park. In so doing, it took account of its officer's statement that its location close to the village of Linton with its services and facilities is such that it was feasible to reach these on foot quite easily and therefore, on balance, the site was considered to be sustainable¹⁷.
47. I also agree with the Appellant that Linton's relationship to nearby higher order settlements, such as Swadlincote, is a material consideration. Linton has an adequate bus service to enable commuting and social trips both to Swadlincote and to the larger nearby town of Burton-on-Trent.

Impact on existing community facilities in the village of Linton

48. LVAG submitted evidence to show that the facilities in Linton were declining, and argued it was therefore inappropriate to allow a new development of the size of the appeal proposal. It seems to me, however, that if some shops are in danger of closing and interest is dwindling in some of the community activities, these are arguments for more families to move into the village.
49. Several residents and LVAG also expressed concern that the village primary school would not be able to cope with the influx of new children from the proposed development. Whilst I understand their concerns, the local education authority (LEA), which was consulted on the appeal application, chose not to object. Moreover, the LEA did not seek a Section 106 contribution towards additional school places and/or other improvements.

Conclusion

50. I therefore conclude that the proposed development would not be harmful to the existing community infrastructure of the village; that the proposal would be sustainable in relation to its economic and social impact; and that Linton is a sustainable location for a scheme of the size of the appeal proposal. The sustainability of the scheme is therefore an additional material consideration in support of the proposal.

Issue 3: The effect of the proposed development on the character of the surrounding countryside and the village of Linton

Introduction

51. The Council's concerns are that the proposal would unacceptably intrude into the character and appearance of both the landscape and the setting of Linton with reference to a number of impacts. Firstly, it considered that the proposed development would urbanise a section of attractive countryside on the edge of the village. It maintained that this countryside is valued by local people and lies within the Mease/Sence Lowlands National Character Area 72, within which it is classified as part of the Character Type 'Village Estate Farmlands'. This is described as: "generally rolling and park-like, with a fair scattering of copses for fox-coverts..."¹⁸ The Council's landscape witness, during his Evidence in

¹⁷ Proof of Evidence by Timothy Dean on behalf of the Appellant (paragraph 3.2.4, page 16).

¹⁸ Derbyshire County Council: Landscape Character Descriptions – 10 Mease/Sence Lowlands, Part 1, section 10.2.

Chief, stated that it was not appropriate for new housing to be developed in the Mease/Sence Lowlands, and that Linton was located in an area of historic sensitivity.

52. The Council's second concern was that the proposed development would be seen from a number of receptors, including parts of the village bordering the appeal site and several properties to the west, south-west and south of the appeal site. In addition, concern was expressed that the 'new urbanity' would be visible from Penguin Wood and other parts of the National Forest, which encompass the appeal site, including from the newly formed National Forest Way. It was therefore considered that the proposal, in the heart of the National Forest, would detract from this important national asset. In xx, the Council's landscape witness considered that in time, the status of the National Forest would be equal to the other national policy designations listed in footnote 9 below paragraph 14 of *the Framework*.
53. The Council's third concern related to the loss of high peripheral hedges as a result of the requirement for a 86m long visibility splay, in order to allow safe vehicular access into the proposed development; and that this would open up the site even further to impacts on receptors, which would be exacerbated in the winter months following leaf fall. The Council considered that the landscaping to mitigate the impacts of the development would serve to reduce the openness of the landscape, particularly as viewed from the village.

Impact on landscape character and appearance

54. Although the landscape appears to be a typical example of the 'Village Estate Farmlands' Character Type, it has no statutory landscape designation. The Council's landscape witness also accepted in xx that nothing in the ALP or landscape character area documents states that new housing development is inappropriate in principle within this character type. In areas such as the appeal site, the advice in *the Framework* (paragraph 17[5]) is to recognise the intrinsic character and beauty of the countryside. The loss of countryside per se therefore does not amount to serious harm.
55. In the absence of any countryside policies at national level or in the development plan to which I can attach even moderate weight, it is necessary to come to a view on how important the appeal site is in landscape terms and in particular whether it merits protection as a valued landscape in relation to *the Framework* (paragraph 109). In this regard, Derbyshire County Council's AMES sensitivity study¹⁹ places the appeal site outside the primary or secondary levels of sensitivity, but in the least sensitive category of landscape.
56. Both parties also made reference to the Landscape Institute's GLVIA²⁰, which advises on the way landscape assessments should be undertaken, and in particular, the advice that the impact on the landscape needs to be separated from the effects on people, or receptors. The GLVIA 3rd edition also places greater emphasis on professional judgment and less emphasis on a formulaic approach. Generally, the discussion of the visual impact of the proposed development followed this advice during the Inquiry.

¹⁹ Derbyshire County Council: Areas of Multiple Environmental Sensitivity (AMES); 2013.

²⁰ Landscape Institute: Guidelines for Landscape and Visual Impact Assessment: 3rd Edition; April 2013 [Inquiry Document 19].

57. From my observation the site, whilst not unattractive, is unremarkable in its character and appearance, and seems to accord with the low sensitivity characterisation which the AMES study attributes to this part of South Derbyshire. In addition, the site is largely enclosed by mature, tree lined hedgerows, which further reduce its sensitivity to residential development.

Impact on receptors

58. On my formal site visit I viewed the appeal site from all the receptors to which the Council referred me²¹. Clearly, the proposal would impact on the views from the rear windows and back gardens of 16 properties on Warren Drive, on the western edge of the village. However, the existing weak landscape edge, dominated by a mix of fence types, would be replaced by stronger, more consistent landscaping which would be subject to conditions at the reserved matters stage. There would be some increase in the sense of enclosure from these properties, but the proposed development would not be overbearing, whilst the loss of views from private properties is not a material consideration.
59. The only other receptor relatively close to the appeal site that I was taken to was a viewpoint from the north of the site on Cauldwell Lane, a field's length away and separated from the site by a well-established screen including evergreen species. Furthermore, the appeal site slopes down away from the field to the north, further diminishing any visual impact from future housing on this receptor. This would be in contrast to the expansive views over the Trent Valley in the other direction from this viewpoint, i.e. to the north.
60. The other receptors that I visited on the Council's map were significantly further away than the above mentioned location on Cauldwell Lane, in the region of 1,000-1,200m from the western or southern boundary of the appeal site. I consider it significant that the mature, traditional hedges along the surrounding country lanes, coupled with the enclosed nature of the site and the lack of prominence in its topography meant that the Council was not able to identify any other receptors close to the appeal site for me to visit. Moreover, the Appellant submitted a map²² which showed that the Zone of Theoretical Visibility around the appeal site is limited to a segment to the west and the south-west, extended to a maximum distance of around 1,500m and significantly constrained by woodland.
61. I also find it significant that the views from the other receptors to the west or south-west showed the appeal site, in the middle distance, against the backdrop of existing houses in the village, so that any impact would not be in relation to a pristine landscape; the likely effect of the proposed development would be an almost imperceptible shortening of the distance to what would become the new eastern, and well landscaped, edge to the village.
62. I was taken to a section of the National Forest Way where it passes through Penguin Wood, about 1,100m to the south-west of the appeal site. This area has been recently planted, and I agree with the Appellant that in a few years' time, it would be difficult to see the proposed development, if at all from this location. Although landscaping is a reserved matter, I am satisfied from the submitted indicative site layout and the unilateral undertaking to provide 20%

²¹ The locations of the receptors from which the Council requested me to view the appeal site are identified on the map which was submitted as Document 34 to the Inquiry.

²² Figure 5 (Visual Appraisal) in Timothy Jackson's Proof of Evidence in relation to Landscape and Visual Matters; August 2014.

tree planting on the site, that it would be possible to provide substantial mitigation to further soften the impact of the proposal on the surrounding landscape.

Impact on the National Forest

63. The Council cites the National Forest as an argument against allowing the appeal. The Forest, however, is not a landscape designation, and I can find no evidence to support the view of the Council's landscape witness, that its status would, in time, equal that of the AONB or any other national policy designation. The purpose of the National Forest is not to fetter development but to increase the amount of woodland cover over the 220 sq. mile area of the Forest, from 6% in 1990/91 to an eventual target of 33%²³.
64. The eLP, by setting a National Forest planting target (woodland and landscaping) of 20% of new housing sites between 0.5ha – 10ha²⁴, reflects the Strategy's acceptance of new development within the Forest in principle, subject of course to appropriate environmental safeguards. It is therefore not surprising that the National Forest Company supports the appeal proposal, which aims to provide 20% of its area as woodland or landscaping.

Impact on existing hedges and the effectiveness of the proposed mitigation

65. A section of the existing high hedges would be required to make way for the proposed vehicular access. I observed, however, that a substantial portion of the hedge around the cottage is part privet, part ornamental. This would be replaced by a native hedgerow extending just behind the visibility splay, although there would of course be a larger (around 10m) gap than the existing entrance to the field. This could be achieved through translocation or semi-mature stock with the details determined at the reserved matters stage. Whilst the cottage is not unattractive, it would not be a significant loss architecturally.
66. The proposed highway works to secure the vehicular access would be complemented by street widening. However, the entrance to the village is not particularly coherent at present, with a broad entrance to Long Close, opposite the appeal site. Any visual impact from the new entrance would be compensated by the hedge improvement and increased highway safety due to the wider road and street lighting. Moreover, the entrance to the village would revert to a more rural appearance with the demolition of 50 High Street and the replacement of privet by native hedgerow. I therefore do not agree that the setting of the village would be harmed by the proposed development.
67. Although the Council's landscape witness in xx was dismissive of the quality of the proposed landscaping, referring to such planting as SLOP (space left over after planning), the Appellant aims to integrate the 20% National Forest planting within the scheme which, even allowing for some thinning due to leaf fall in winter, would represent a significant planting screen for the proposed development ; and secondly as a reserved matter, the Council will be able to control the timing, quality and distribution of the planting on the appeal site through negotiation and ultimately, condition. Moreover, the initial landscaping proposals in the Appellant's illustrative submissions were supported by the Council's Design Excellence Officer.

²³ The National Forest – the strategy 2004-2014; the woodland target is set out in paragraph 2.2, page 7.

²⁴ South Derbyshire Pre-Submission Local Plan, policy INF 8 (The National Forest) and Table 6; March 2014; and the National Forest Guide for Developers and Planners [Inquiry Document 21].

Conclusion

68. In conclusion, the proposal would result in the loss of a visually well contained field in an undesignated, low sensitivity landscape on the fringe of the village of Linton. However, it would not breach natural landscape boundaries, such as broad tree belts, woodland and ridges. I agree with the Appellant's landscape witness who stated in xx that the landscape impact, following mitigation through careful design, the provision of green infrastructure and landscaping, would be 'minor adverse'. I therefore consider that the harm to the landscape would be minimal and as such I attach limited weight to the Council's concerns.

Section 106 Unilateral Undertaking

69. The Unilateral Undertaking covers a range of financial and environmental provisions, none of which are in dispute between the main parties. (The provision of affordable housing is covered by condition). Following my request during the Examination, a schedule²⁵ was produced which provided the necessary justification in relation to the requirements of CIL Regulation 122.
70. It is clear from the schedule that the contributions set out in the Unilateral Undertaking, i.e. towards community facilities in Linton, outdoor facilities, the maintenance of residential open space, household waste management facilities and National Forest planting, satisfy the tests in Regulation 122, in that they are necessary to make the proposed development acceptable in planning terms; they are directly related to the proposed development; and they are fairly and reasonably related in scale and kind to the development. In summary, the contributions are linked to specific schemes which would benefit the future residents of the proposed development.

Other considerations

71. Many residents wrote letters objecting to the proposal, although there was also a smaller, though not insignificant, number of supporting letters. In addition to the issues which I have addressed above, several other points were made in opposition to the scheme.

Prematurity

72. Concern was expressed, especially by LVAG, that the proposal, for a major housing site, would be premature in relation to the eLP, which focuses new development on the more urbanised parts around Swadlincote and on the edge of Derby, rather than in the more rural areas of the District such as around Linton. However, I have already concluded that the eLP can only be given limited weight. Moreover, the proposed Settlement Hierarchy does not require every new dwelling in the District to be built in and around Swadlincote or the environs of Derby. I also agree with the Appellant that prematurity requires a high threshold to be passed. In the light of this consideration, the scale of the proposal, at 110 dwellings, is insufficient to harm the strategic thrust of the eLP, which seeks to make provision for over 13,000 new homes.

Highway congestion and safety

73. Concerns related to increased vehicular traffic generated by the proposed development, leading to congestion on rural roads and safety issues around the proposed access. The highway authority has not raised any of these concerns

²⁵ Schedule of Section 106 matters [Inquiry Document 43].

or objected to the development; the road widening and access visibility splays would meet the appropriate standards, and can be secured by condition. Another condition would secure a Residential Travel Plan to encourage increased use of sustainable means of travel. I see no reason to come to a different view from the highway authority and the Council.

Ecology

74. Neither Natural England nor Derbyshire Wildlife Trust raised objections, subject to conditions requiring a detailed mitigation and monitoring strategy for great created newts, badger protection and a biodiversity management plan. Subject to these conditions the proposal would be acceptable in ecological terms.

Agricultural land loss

75. There is no compulsion in *the Framework* for developers to use poorer quality agricultural land, although paragraph 112 encourages significant development to do so. There is, however, no definition in *the Framework* of what is meant by the term 'significant development'. The same paragraph advises local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. As the Council officers' report stated, the advice in *the Framework* is not intended to prohibit development on land just because it is currently in use as agricultural land; otherwise there would be no growth at all outside settlement confine boundaries. I agree with the Council and for the above reasons I am unable to give much weight to this consideration.

Impact on the footpath network

76. There were concerns that there would be increased use of the footpaths on the appeal site; this is not seen as an argument against the proposal in planning terms.

Other concerns

77. In response to concerns that a precedent would be set for similar developments, I have determined the appeal on its own merits, bearing in mind the specific context of the appeal site and its surroundings. Any further planning applications would be determined by the Council in the normal way. I have no evidence to point to any flood risk associated with the proposal.
78. Detailed concerns, such as loss of privacy, can be addressed at the reserved matters stage. Other concerns were made, but none were sufficient to outweigh the reasons that have led me to allow the appeal. Finally, concerns over property devaluation and loss of views are outside the remit of the appeal.

Conditions

79. I have based my conditions on the helpful round table discussion at the Inquiry, and the subsequent list which was submitted jointly by the main parties²⁶. I am generally satisfied that these conditions comply with the advice set out in Circular 11/95 *The Use of Conditions in Planning Permissions*. However, I have omitted the suggested condition referring to a detailed Arboricultural Method Statement as this is appropriately required at the reserved matters stage, and the highway authority's standards relating to

²⁶ Schedule of Suggested Planning Conditions [Inquiry Document 44].

gradient of the access and swept path diagram are unnecessary if the road is to be adopted, which is my understanding of the evidence.

80. Conditions (5) to (8) are to protect the character and appearance of the surrounding area. Condition (9) is to ensure the appropriate quantum, delivery and type of affordable housing to be included in the development. Condition (10) is to safeguard the living conditions of future occupiers of the development. Conditions (11) to (13) and (15) are in the interests of wildlife conservation. Conditions (14), (20) and (21) are to safeguard the living conditions of neighbouring residential occupiers and highway safety. Conditions (16) to (18) are for pedestrian and vehicular safety. Condition (19) is required to promote sustainable transport. Finally, condition (22) is to minimise the risk of flooding and pollution.

Overall conclusions and planning balance

81. I have found that the presumption in favour of sustainable development, as set out in paragraph 49 of *the Framework*, applies to the relevant ALP policies, and it is therefore necessary to apply the tests in paragraph 14. This means that where the relevant policies in the development plan are out-of-date and can therefore be given little weight, as I have already concluded, I have to determine the planning balance, i.e. whether the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in *the Framework* taken as a whole.
82. I have concluded on the first main issue that the lack of a 5 year housing land supply is a material consideration to which I attach significant weight. I have also concluded that the provision of 30% affordable homes in an area which has delivered an insufficient quantity in relation to its serious need is a further significant material consideration in support of the proposed development. There would also be other economic benefits through construction jobs and household expenditure impacts, which are material to the decision.
83. On the issue of sustainability, I have concluded, in relation to the economic and social criteria in paragraph 7 of *the Framework*, that the appeal site is in a sustainable location based on local facilities and services in the village; regarding access by bus to the nearby towns of Swadlincote and Burton on Trent; and in terms of its impact on existing community infrastructure. There is now no disagreement with the Council on the economic and social aspects of sustainability, as Linton has been reclassified as a Key Service Village where the size of the proposed development would not be inappropriate.
84. I now turn to the final issue which covers the remaining, environmental, strand of sustainability. I have concluded that, although the impact of the proposal on the character and appearance of the landscape and the setting of the village of Linton would result in limited visual harm following the proposed mitigation, it would fail by some distance to significantly and demonstrably outweigh the material considerations in favour of the proposal, which I have summarised above.
85. The proposed development, therefore, subject to the Section 106 Unilateral Undertaking and the conditions set out in the Schedule, would be in accordance with national planning policy. Whilst my findings will disappoint many residents, the evidence leads me to conclude that the appeal should succeed.

For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR

Richborough Estates

Schedule of Conditions

- 1) Details of the layout, scale, appearance and landscaping (the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development is commenced and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of:
 - a) Three years from the date of this permission, or
 - b) Two years from the date of the approval of the last of the reserved matters to be approved,whichever is the later.
- 4) The development hereby permitted shall be carried out in accordance with the details shown on the submitted Development Framework Plan, Drawing Number 5536-L-01 Rev G, including the proportion of National Forest Planting as shown, and also in accordance with the principles set out in the submitted Design and Access Statement.
- 5) Prior to the commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses and associated Habitat Management Areas, informal open space and infrastructure, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing scheme.
- 6) No part of the development shall be carried out until the precise details and specifications of all external materials to be used in the construction of the dwellings have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 7) Prior to the commencement of the development hereby approved, levels of the finished floor levels of the dwellings and of the ground levels of the site relative to adjoining levels, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be constructed in accordance with the agreed levels.
- 8) Any reserved matters application shall include plans indicating the positions, design, materials and type of all boundary treatments to be erected, including those along the routes of the public footpaths. The boundary treatments shall be completed in accordance with the approved details before the development is occupied.
- 9) No development approved by this planning permission shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance

with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- (i) The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall be distributed throughout the development, and which shall consist of not less than 30% of the dwellings in each phase of which 70% shall be affordable rented housing and 30% shared ownership;
 - (ii) No more than 80% of the open market housing in each phase shall be occupied before all of the affordable housing for that phase is completed and ready for occupation;
 - (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider of the management of the affordable housing if no registered social landlord is involved;
 - (iv) The arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
 - (v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 10) No part of the development hereby permitted shall be commenced on the site unless and until: a) a site investigation has been designed for the site using the information obtained from the desktop investigation previously submitted in respect of contamination. This shall be submitted to and approved in writing by the local planning authority prior to the investigation being carried out on the site; and b) The site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the local planning authority; and c) A method statement and remediation strategy, based on the information obtained from 'b' above, including a programme of works, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved remediation strategy.
- 11) Prior to the commencement of development of any works that may affect bats or great crested newts or their habitats, a detailed mitigation and monitoring strategy shall be submitted to and approved by the local planning authority. All works shall then proceed in accordance with the approved strategy.
- 12) Prior to the commencement of any works on a site a survey for any recently excavated badger setts within the site shall be carried out and submitted to the local planning authority. Works shall only commence when the local planning authority is satisfied that no new badger setts have been created since the original badger survey was carried out. If new badger setts have been created since the original badger survey was carried out then a strategy for the exclusion of badger and subsequent closure of the setts under licence will be submitted to and agreed in writing by the local planning authority and thereafter the works shall be implemented in accordance with Natural England guidance and the Protection of Badgers Act 1992.

- 13) No development or other operations shall commence, including but not limited to site clearance and site preparation, until a Biodiversity Management Plan, that shall include provisions for ecological retention, enhancement and future maintenance and management, has been submitted to and approved in writing by the local planning authority. The approved Biodiversity Management Plan shall be implemented in full and subsequently maintained in accordance with the approved Biodiversity Management Plan.
- 14) The demolition of no. 50 High Street shall be carried out in accordance with a Best Practice Method Statement as outlined in paragraph 5.6 of the FPCR Bat Survey Report dated 25 September 2014.
- 15) As part of any reserved matters submission details of the intended positions and design of the bat boxes and roost features for the site shall be provided, and the scheme shall be carried out in accordance with the approved details before any of the dwellings hereby approved are first occupied.
- 16) No operations shall be commenced until a temporary access for construction purposes has been constructed to High Street, laid out in accordance with a detailed design first submitted to and approved in writing by the local planning authority. The access shall have a minimum width of 5.5m and be provided with visibility sightlines of 2.4m x 43m in the north easterly direction and 2.4m to the extremity of the site frontage abutting the highway in the south westerly direction. The area forward of the sightlines shall be cleared and maintained thereafter clear of any obstruction exceeding 600mm in height relative to the nearside carriageway edge.
- 17) Prior to occupation of the first dwelling, High Street shall be modified in accordance with the application drawing F0026-001-002A. A 2m wide footway shall be provided around the southern radius of the High Street/The Crest junction and extend along the south eastern side of High Street opposite the application site frontage. The High Street carriageway shall be widened to 5.5m and be provided with a 2m wide footway on the north eastern side from the site's north eastern boundary extending along the entire site frontage. The modified highway shall be laid out, constructed, drained and lit in accordance with Derbyshire County Council's specifications for new estate streets.
- 18) The reserved matters application shall provide details showing car parking of two vehicles per dwelling.
- 19) Any future reserved matters application shall be accompanied by a detailed Residential Travel Plan with SMART objectives. The Travel Plan shall set out proposals, including a timetable to promote and monitor travel by sustainable modes which are acceptable to the local planning authority and shall be implemented in accordance with the timetable set out therein. Monitoring reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the local planning authority for a period of five years from first occupation of the development.
- 20) No development shall take place until a construction management plan or construction management statement has been submitted to and approved in

writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: - storage of plant and materials, parking and manoeuvring of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried on the highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles.

- 21) Wheel cleaning facilities for all construction vehicles shall be provided and retained within the site throughout the entire construction period. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
- 22) No development shall take place until details of a scheme for the disposal (incorporating Sustainable Urban Drainage principles) of surface water have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in conformity with the details which shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Rowena Meager of Counsel

Instructed by the Council

She called:

Mr Ian McHugh

I McH Planning and Development
Consultancy

Mr Peter Wood

Landscape and Arboriculturist Consultant

FOR THE APPELLANT:

Mr Satnam Choongh of Counsel

Instructed by the Appellant

He called:

Mr Nigel Weeks

Director, Sterling Maynard Transportation

Mr Timothy Jackson

FPCR Environment and design Ltd

Mr Robert Hindle

Director, Rural Solutions Ltd

Mr Timothy Dean

Planning and Development Manager,
Gladman Developments Ltd

FOR THE LINTON VILLAGE ACTION GROUP (LVAG) RULE 6 PARTY:

Mr Bryan Wolsey

Instructed by LVAG

OTHER INTERESTED PERSONS:

Mrs Carol Worker

Linton resident

Mr John Kirkham

Linton resident

Mr David Gunn

Linton resident

DOCUMENTS

1. South Derbyshire Local Plan; May 1998, and list of saved policies; September 2007 (1A); Proposals Maps (1B and 1C).
2. South Derbyshire Pre-Submission Local Plan – Part 1; March 2014.
3. Schedule of Proposed Minor Modifications to South Derbyshire Pre-Submission Local Plan Part 1; August 2014.
4. South Derbyshire Local Development Framework (LDF): Core Strategy Topic Paper – Settlement Hierarchy; July 2014.
5. Undated Draft Section 106 Unilateral Undertaking by Gladman Developments.
6. File containing appeal decisions, submitted by Appellant.

7. Further file containing appeal decisions, submitted by Appellant.
8. Opening Statement on behalf of South Derbyshire District Council; 9 September 2014.
9. Opening Submissions on behalf of the Appellant; 9 September 2014.
10. Appeal Decision submitted by the Council (APP/H2835/A/12/2182431).
11. The National Forest and Beyond 2014, submitted by the Council.
12. Landscape Character Areas Plan: Figure 3; July 2013, submitted by Appellant.
13. Opening Address on behalf of LVAG; 9 September 2014.
14. South Derbyshire District Council: Assessment of 5-year Housing Supply; August 2014, submitted by LVAG.
15. Addendum to Agreed Statement of Common Ground (SCG) between South Derbyshire District Council and Gladman Developments Ltd, in respect of Topic Paper 3, Settlement Hierarchy; signed and dated 10 September 2014.
16. Statement confirming that the Appellant's Core Documents would be sent to the Council and LVAG; dated 10 September 2014.
17. Map showing Linton Services; dated 2014, submitted by the Council.
18. South Derbyshire Commuting Figures, submitted by LVAG.
19. Extracts from Guidelines for Landscape and Visual Impact Assessment-Third Edition; dated April 2013, submitted by Appellant.
20. South Derbyshire Local Plan Saving Letter; 21 September 2007, submitted by the Council.
21. National Forest Guide for Developers and Planners, submitted by the Appellant.
22. Letter submitted by Mr David A Gunn, Linton resident.
23. Letter submitted by Mrs Carol Worker, Linton resident.
24. Four photographs of High Street in the vicinity of the appeal site, submitted by LVAG.
25. Schedule of Suggested Planning Conditions, submitted jointly by the Council and the Appellant.
26. Forward to GLVIA Third Edition, dated April 2013.
27. Extract from UK Sustainable Development Strategy, submitted LVAG.
28. Results of Broadband Speed Test at Linton, submitted by LVAG.
29. Photograph of hairdresser's shop at Linton, submitted by LVAG.
30. Linton Primary School (Foundation) determined admissions 2014-15, submitted by LVAG.
31. Department for Education EduBase2 – Linton Primary School; 31 July 2014, submitted by LVAG.

32. Gresleydale Healthcare Centre – information on registering with the Surgery; 2014, submitted by LVAG.
33. Appeal Decision submitted by the Council (APP/F1040/A/11/2145275).
34. Map showing locations for the accompanied site visit, submitted jointly by the Council and the Appellant.
35. Costs Application on behalf of the Appellant; 10 September 2014.
36. Costs Decision, submitted by the Appellant (APP/A0665/A/13/2193956).
37. Response to Costs Application by the Appellant, on behalf of South Derbyshire District Council; 12 September 2014.
38. Appeal decisions submitted by the Council (APP/F1040/A/13/2204923; APP/F1040/A/13/2204792; APP/F1040/A/13/2202043; APP/A/14/2214209).
39. Closing Remarks on behalf of the Linton Village Action Group; 11 September 2014.
40. Closing Submission on behalf of South Derbyshire County Council; 12 September 2014.
41. Closing Submissions on behalf of the Appellant; 13 September 2014.
42. A signed Unilateral Undertaking, dated 17 September 2014, pursuant to Section 106 of the Town and Country Planning Act 1990, given by (1) Rita Margaret Hodson Walker, Roger Stephen Hodson Walker, Karen Hilderley and Sandra Bostock and (2) Gladman Developments Ltd to South Derbyshire District Council relating to Land on the west side of High Street Swadlincote DE12 6QL; received 19 September 2014.
43. Schedule submitted by Gladman Developments Ltd, covering matters pursuant to section 106 Town and Country Planning Act 1990, Community Infrastructure Regulations and Circular 05/2005 Planning Obligations; received 19 September 2014.
44. Schedule of Agreed Conditions between the main parties; received 19 September 2014.