



Appeal Decision

Inquiry opened on 17 September 2014

Site visits made on 19 and 23 September 2014

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 28 November 2014

Appeal Ref: APP/D2510/A/14/2214716

Land north of Langton Hill, Horncastle, Lincolnshire, LN9 5AH

- 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 East Lindsey District Council.
 - The application Ref S/086/01809/13, dated 18 September 2013, was refused by notice dated 19 December 2013.
 - The development proposed is described as 'residential housing development for up to 300 dwellings, public open space, play area, landscaping, highways, and associated infrastructure works'.
 - The inquiry sat for five days, on 17-19 September and 23-24 September 2014.
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Decision

1. The appeal is allowed and planning permission is granted for residential development for up to 300 dwellings, public open space, a play area, landscaping, highways, and associated infrastructure works on land north of Langton Hill, Horncastle, Lincolnshire, LN9 5AH, in accordance with the terms of the application, Ref S/086/01809/13, dated 18 September 2013, subject to the conditions in the attached schedule.

Procedural matters

2. On the application form, the location of the site is given simply as Langton Hill, Horncastle. The land lies on the north side of Langton Hill, and I have identified it accordingly in the appeal details above.
3. The application was submitted in outline form, with all matters of detail reserved for subsequent consideration. An illustrative development framework and masterplan and a plan showing access arrangements accompanied the application¹.
4. Planning permission for a subsequent proposal for up to 240 dwellings on the land at Langton Hill was refused in September 2014, and the Appellant requested that this scale of development and the associated illustrative plans² be considered as an alternative scheme to the original appeal proposal. Although the revised scheme would involve a reduced level of housing, it would

¹ Development framework – plan ref 5521-L-03 F (CD GDL1.6.2), master plan – plan ref 5521-L-05 E (in Appendix 1 to Mr Holliday's proof), proposed access arrangements – plan ref 1351/01 (in CD GDL2.2).

² Development framework – plan ref 5521-L-102 A (CD GDL8.6.2), master plan – figure 13 in the design and access statement (CD GDL8.6.1).

be covered by the description of development for up to 300 dwellings, and it has been the subject of consultation as part of the separate planning application. The Council did not object to the principle of addressing the reduced scheme as part of the appeal. Given that the revised scheme involves a lesser scale of development, and that consultation has taken place, I am satisfied that no prejudice would be caused to the interests of any parties by consideration of the revised scheme, and I have taken it into account in addition to the original proposal.

5. In his evidence for the appeal, the Appellant's landscape witness included a revised development framework and masterplan for the original proposal³: these drawings do not alter the extent of built development, but include additional planting on land to the west which is under the Appellant's control. The additional planting indicated is similar to that shown on the development framework and masterplan accompanying the second application, and I have taken it into account in considering the appeal.
6. For clarity, I shall refer to the scheme for up to 300 dwellings as considered by the Council as scheme A1, the revisions to that scheme including additional planting to the west as scheme A2, and the scheme for up to 240 dwellings as scheme B. The description of development for up to 300 dwellings encompasses the lower level put forward in scheme B, but it is more clearly described as residential development of up to 300 dwellings, public open space, a play area, landscaping, highways, and associated infrastructure works.
7. The first reason for refusal refers, amongst other matters, to the effect of the proposal on the setting of Langton Windmill, a grade II listed building. In its statement of case, the Council advised that it would not be pursuing this matter. The windmill is set back to the west of Langton Lane and a strip of open land extends between the other side of the road and the appeal site. At this point, Langton Lane is bordered by tall hedgerows, and the proposal would have no adverse effect on the setting of the listed building. The second reason for refusal was concerned with conflict between pedestrians, cyclists and other vehicles near to the A158/ West Street junction. It is agreed in the highways statement of common ground that a pedestrian and cycle improvement scheme should be carried out at this junction, and this reason for refusal was not pursued. The second part of the third reason for refusal concerns pressure on infrastructure. This concern was addressed in the planning obligations, and it was not pursued as an objection at the inquiry.
8. Separate planning obligations in the form of unilateral undertakings were submitted by the Appellant in respect of schemes A and B (Documents A4a-b). The obligations provide for the provision and management of open space, and healthcare, sports and education contributions.
9. The main parties prepared a set of core documents (CD) which are listed separately from this decision.

Main Issues

10. I consider that the main issues in this appeal are:

³ Development framework – plan ref 5521-L-02 H, master plan – plan ref 5521-L-05 F (both in Appendix 2 to Mr Holliday's proof).

- (i) The effect of the proposed development on the character and appearance of the area.
- (ii) Whether the proposal would make satisfactory provision for affordable housing.
- (iii) The effect of other considerations on the overall planning balance.

The proposal

11. The appeal site is about 12.8ha in size and forms part of a larger field which abuts the western edge of the built-up area of Horncastle. It is proposed that a mix of housing would be built on the land, with up to 300 dwellings in scheme A and up to 240 dwellings in scheme B. Vehicular access would be taken from Langton Hill to serve the western and southern parts of the development, and from Osborne Way to serve the eastern part. The development frameworks and master plans indicate the provision of areas of open space within the site and planting on the perimeter. In addition, schemes A2 and B include structural landscaping in two parcels of land to the west of the site. Improvements for pedestrians and cyclists are proposed to the A158/ West Street junction, and other off-site works would involve the extension of the existing footway/ cycle way from Osborne Way to the access into the site on Langton Hill and the upgrading of two bus stops on Lincoln Road.

Planning policies

The Local Plan

12. The Development Plan comprises the saved policies of the East Lindsey Local Plan Alteration. Policy A3 sets out a settlement hierarchy for the District: Horncastle is the only town identified in the Horncastle Area. Development in the settlements will be permitted provided it would be consistent with the role, status and character of the settlement, and subject to other policies in the Local Plan and any other material considerations. Paragraph 2.58 of the accompanying explanation establishes that major growth is intended to be concentrated in the towns. Policy H6 is entitled *Low Cost Housing*. Part 1 of the policy explains that in settlements where a social or low cost housing need has been identified, planning permission will only be given for residential development which takes account of that need. Specific reference is made to a contribution from developments on sites of 1ha or more or involving 25 or more dwellings in the towns. A series of criteria against which proposals for housing development should be assessed is set out in Policy H12. Amongst other matters, proposals should reflect or enhance the locally distinctive character, incorporate on-site landscaping and boundary treatment to integrate them into their surroundings, and make appropriate provision for low cost housing needs. These criteria are referred to in the context of considering applications for full planning permission. Whilst the appeal proposal seeks outline planning permission, several of the criteria concern matters which are, in any event, relevant considerations in this case, and I consider that it is, therefore, appropriate to take the intentions of Policy H12 into account.
13. Protected open spaces and frontages are identified on the inset maps. Policy ENV24 restricts development in such locations to that which would not cause significant harm to their appearance, character, or the role they play in meeting a series of criteria, including the prevention of settlement coalescence.

The appeal site is not identified as a protected open space or frontage on the Horncastle inset map. However paragraph 3.81 of the Local Plan explains that there may be other sites which meet the criteria of Policy ENV24. In the event of proposals coming forward on such land, consideration should be given to whether it merits the same level of protection. The quality and design of development is the subject of Policy A5. Proposals which would improve the quality of the environment should be permitted provided that there is no conflict with other policies. Otherwise, development proposals should only be permitted where the design would not detract from the distinctive character of the locality, features or characteristics important to the quality of the local environment are retained, and they would be integrated within an appropriate landscaping scheme. In accordance with Policy ENV3, surface water drainage of adequate capacity must be available to serve new development.

14. Policies DC1 and H2, which were concerned with development in the countryside and housing proposals on unallocated sites in the towns and main villages respectively, have not been saved.

The emerging Core Strategy

15. A draft version of the emerging East Lindsey Core Strategy was published in 2012 (CD GDL11.5). It had been intended that a revised version would be considered by members in December 2013, but this stage was not reached as further work had become necessary beforehand. Certain chapters of the emerging Core Strategy had been considered by the Planning Policy Committee in September 2013, and a draft submission version of the Core Strategy dated December 2013 had been prepared (Document G3). At the inquiry the Council acknowledged that this document had no status as a submission version of the emerging Core Strategy, and that it did not supersede the 2012 version, although it was argued that it indicated the direction of travel.
16. It is clear that, as an entity, the latest version of the Core Strategy with status is that published in 2012. In that document, Strategic Policy 1 sets out a settlement pattern to guide the distribution, scale and nature of development. Towns, including Horncastle, are included in the top level of the hierarchy. Strategic Policy 2 provides for the delivery of affordable housing in the towns and large and medium villages. Provision at a level of 20% should be made in the towns and at 40% in all other settlements. The District's landscapes are to be protected, enhanced, used and managed to provide an attractive and healthy working and living environment (Strategic Policy 14).

The emerging Neighbourhood Development Plan

17. The Horncastle Neighbourhood Development Plan (NDP) is in the course of preparation, and it will cover Horncastle parish which includes the appeal site⁴. A draft version of the emerging NDP has been produced (Document G6), and it was published for consultation at the beginning of November 2014. At this stage in the process, the content of the draft plan carries limited weight.
18. The emerging plan does not put forward allocations. Policy 1 is entitled *Sustainable Development Principles*. Part 2 of the policy explains that planning permission should be granted for development at a scale and in locations which

⁴ The Appellant's planning witness suggested in his proof of evidence that the boundary for the NDP reflects the built-up area and excludes the appeal site. However paragraph 1.4 of the draft plan explains that it has been prepared in respect of the parish of Horncastle.

accord with other policies and which would support the continued viability of Horncastle. A series of design principles are set out in Policy 2. The provision of affordable housing is the subject of Policy 7, which seeks a contribution of 20-30% on schemes of 5 or more dwellings unless it can be shown that viability would be compromised. Policy 12 supports development on the edge of Horncastle provided that it maintains visual openness and connections to the surrounding countryside, maximises opportunities to enhance existing views to the countryside, and does not obscure the skyline.

Reasons

Character and appearance

19. The appeal site lies towards the eastern edge of national character area (NCA) 44 – Central Lincolnshire Vale. The National Character Area Profile refers to the area as a broad, low-lying and very gently undulating arable vale. It is a deeply rural tranquil landscape with sparsely distributed small nucleated settlements. There is a regular pattern of medium to large fields with hawthorn-dominant hedgerows: woodland cover is described as variable. To the east the hills of the Lincolnshire Wolds (NCA43) form a visual backdrop. In the East Midlands Regional Landscape Character Assessment, the site is within landscape character area 4B – Wooded Vales. Whilst the key characteristics identified are broadly consistent with those of NCA44, reference is made to relatively high levels of woodland cover. There is scattered tree cover in the vicinity of the site and a strong block of woodland to the north.
20. Of more relevance than these broad assessments is the East Lindsey District Landscape Character Assessment, where the site is part of landscape character area (LCA) E1 – Wragby to Horsington Vale Woodland and Farmland. Although the settlement pattern overall is sparse and dispersed in this LCA, mention is made of the busy market town of Horncastle. The assessment also refers to a patchwork of medium to large fields and trees are identified as an important element in the landscape. The LCA is described as a very distinctive rural landscape in very good condition, and the overall sensitivity of the area is adjudged to be moderate to high. I consider that the sensitivity of the landscape of the appeal site and its immediate surroundings is moderate due to the urban influence of Horncastle which extends from the valley to the eastern edge of the land at Langton Hill.
21. To the north-east of the appeal site, across the valley and beyond the other side of Horncastle is the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). To the north and east of Horncastle and extending up to the AONB is an Area of Great Landscape Value (AGLV). The AGLV extends into the eastern fringes of LCA E1, but it lies to the north of Thimbleby and does not encompass the appeal site. That reinforces my view that the landscape immediately to the west of Horncastle is only of moderate sensitivity.
22. Horncastle lies at the confluence of the Rivers Bain and Waring, with the built-up area largely contained below the 40m contour line between the rising land to the west and east of the town⁵. The appeal site is at a higher level. The south-eastern corner is about 45m above sea level and the land rises across the site to the west to a height of about 60m above sea level. Whilst the development would represent a significant increase in the built form above the

⁵ The ground levels are given in paragraphs 4.8 and 4.9 of Mr Holliday's proof.

steeper valley side, there is already linear development extending along the north side of Langton Hill part way up the frontage of the appeal site, and on the south side of the road housing in depth extends up to the junction with Woodhall Road and the 50m contour. To an extent the proposed housing would be contained between the existing built-up area to the south and to the east, although the rising land above the dwellings on Baggaley Drive and Osborne Way to the east would increase the prominence of development on the appeal site.

23. The development frameworks and master plans indicate that the housing on the appeal site would be broken up with a central open strip and it is the intention that the housing areas would generally be set back from the edge of the site with tree planting along the western and northern boundaries. Additional planting on land to the west would be included in schemes A2 and B. As such planting matured, it would not only restrict views of the housing, but it would also impinge on openness. Having said that, additional tree cover would be in keeping with the landscape of this rural area, and it is a characteristic feature of LCA E1 in the East Lindsey District Landscape Character Assessment.
24. A public footpath runs across the north-east corner of the site, but there is no wider public access to the site, and the value associated with recreational use is, therefore, limited. I share the view of the Council that containment within an extended built-up area would detract to a degree from the enjoyment of its use. Overall, however, having regard to the mitigation proposed and the relationship of the site to the existing built-up area I consider that, whether developed for up to 240 or 300 dwellings, the proposal would have a moderate adverse effect on the landscape of the site.
25. Insofar as the surrounding LCA is concerned, the development would encroach into the open landscape in an elevated position. However development on the eastern part of the site would appear as a natural extension of Horncastle, behind the existing housing on Langton Hill, and, notwithstanding the relative prominence of the western part of the proposal, I do not consider that the scale of scheme A or scheme B would materially alter the relationship of the western side of Horncastle to the surrounding landscape in the Wragby to Horsington Vale Woodland and Farmland LCA.
26. A particular concern of the Council and local residents is the effect of the development on the separation of Horncastle from the small settlement of Thimbleby which lies to the west. There are two distinct groups of built development at Thimbleby. The church and the older group of dwellings are situated furthest to the west with open land intervening between them and the development along Mill Lane. This gap would be unaffected by the appeal proposal and the historic part of Thimbleby would remain clearly separated from Horncastle. The appeal site forms a substantial part of the block of open land between the western edge of Horncastle and the ribbon of development extending southwards down Mill Lane. However the land due east of the properties on Mill Lane is outside the appeal site. The north-west corner of the site would be set back about 190m from the road at the southern edge of this development in Thimbleby and this gap would increase to about 250m at the southern end of the road, Langton Lane. Whilst there are a few properties here, they are detached from the group of development on Mill Lane. Schemes A2 and B indicate substantial planting on two parcels of land between the edge of the appeal site and the frontage of Langton Lane. Such treatment could be

- secured by a condition, and it would emphasise the continuing separation between Horncastle and this part of Thimbleby. I find no conflict with the objective to prevent settlement coalescence in Policy ENV24 of the Local Plan.
27. During the construction phase and in the early years following completion, I consider that the development would have a moderate adverse effect on the character of the local area. As the landscaping on and to the west of the site became established, this would assimilate the development into its rural and edge of settlement surroundings to a greater extent in accordance with Policy H12 of the Local Plan, resulting in harm of only minor significance.
28. The appeal site forms part of the setting of both the AGLV and the AONB. There is intervisibility between the land on Langton Hill and these areas, but the site is adjacent to neither, and is about 4km from the nearest point in the AONB, which is the most important landscape. Given the distance from the site to these designated areas, and the form of the development as an extension to the only town in this part of East Lindsey (above, para 19), the effect on the setting of the AONB and the AGLV would be negligible.
29. I turn now to consider the visual effects of the proposed development. One of the intended accesses to the site would be from Langton Hill, revealing the new housing extending to the north from this point. The presence of the development would also be apparent from elsewhere on this road, although the roadside hedge would lessen the impact. Moreover, towards the eastern end of the frontage the presence of the existing built-up area becomes apparent. The effect of the development would be greater in nearby views from the west and the north. Along Langton Lane, the hedgerow is not continuous, affording views across to the western part of the appeal site, above which the Wolds can be made out in clear weather conditions. To the north, on Thimbleby Hill, there are views available across the adjacent field to the site: the Wolds are also visible on the skyline but across a broader view than that containing the appeal site. From these positions, set back beyond the steeper valley side, the western edge of the built-up area is not apparent and the site forms part of extensive open views. The proposed development would intrude into these views, and, although the extent of planting envisaged would, with maturity, soften the perimeter of the extended built-up area, open views across the appeal site would be lost. Bearing in mind the broader views available in the locality, there would be moderate harm to visual amenity from these vantage points.
30. I had the opportunity to include a property on the western side of Mill Lane in my site visits. Dwellings on this side of the road back onto a paddock with the field adjacent to Thimbleby Hill beyond. The residential development on the appeal site would only be apparent in an angled view, moderated by perimeter and structural planting. From here and nearby properties I consider that even the larger development of up to 300 dwellings would not have a significant effect. In contrast there would be clear views of the new housing from the rear of existing properties on Langton Hill, Osborne Way and Baggaley Drive. However the presence of the built-up area is already apparent from these dwellings, and I consider that its consolidation in the form of the appeal proposal would only cause limited harm.
31. From positions further from the site on this side of Horncastle, the development would not be prominent. To the west of Mill Lane the land falls

gradually, and from the nearby junction of Langton Hill with Lowmoor Lane tall roadside hedgerows would mask the proposed housing. From the south on the B1191, views of the houses would be partially filtered by existing tree cover and they would be seen with existing development on the edge of Horncastle. There would be no harm to visual amenity from this direction.

32. I visited a range of vantage points to the north, north-east and east of Horncastle, most of which are in the AGLV and the AONB. The elevated position of the site is apparent from these locations, and the proposed housing would generally be seen on the skyline. However these are views of some distance: the nearest at the northern edge of Horncastle is about 1.5km away⁶. From this side of the valleys the existing built-up area can also be discerned, interspersed with tree cover. The appeal proposal would continue this pattern of development albeit at a higher level. Whilst the smaller scheme of up to 240 dwellings would be less noticeable, I consider that even the larger proposal would not appear unduly prominent or intrusive from the other side of Horncastle. Moreover, on many roads, views towards the site are intermittent, being restricted by roadside hedgerows.
33. I conclude that the proposed development would have certain adverse effects on the character and appearance of the area. There would be moderate landscape harm to the appeal site itself and, prior to the maturing of plant cover, to the surrounding landscape. The adverse impact on visual amenity from Mill Lane and Thimbleby Hill carries similar weight, but there would only be limited harm to the views from nearby dwellings. In consequence the proposal would conflict with Policies A5 and H12 of the Local Plan. However, even if the appeal site is considered to fall within the scope of Policy ENV24, as the development would not cause significant harm to its character and appearance there would be no conflict with this part of the Local Plan. Consequently I do not consider that the proposed development would give rise to a material conflict with the core planning principle in paragraph 17 of the National Planning Policy Framework (NPPF) to recognise the intrinsic character and beauty of the countryside.

Affordable housing

34. It is common ground between the main parties that there is a need for affordable housing in East Lindsey. At paragraph 8.55 of the Local Plan, the explanation to Policy H6 refers to a situation in which escalating house and land prices in the late 1980s, combined with low wages and a reduced stock of Council housing, have made it increasingly difficult for many people to afford to buy or rent homes in the District. The Affordable Homes Supplementary Planning Guidance (SPG) makes reference to a District-wide study of 1999 which confirmed the need for affordable housing to be a widespread problem. Subsequently, the Coastal Lincolnshire Strategic Housing Market Assessment (SHMA) of 2012 identified a need for 7,000 dwellings of intermediate housing and 6,100 social rented dwellings for the period 2010-2033 using the 2008-based household projections. Affordable housing is the subject of Policy SP2 in the emerging Core Strategy and of a topic paper published in June 2014.
35. The dispute on this subject concerns the level of affordable housing which should be provided. The Appellant has suggested a condition requiring that 20% of dwellings be provided as affordable housing, whereas the Council seeks

⁶ Viewpoint N on figure 4 in Mr Holliday's Appendix 3.

a higher proportion of 30%. However, this is not a case where the viability of the development proposed on the appeal site is at issue. No such argument has been advanced by the Appellant. What is in contention is the policy and evidence base for the provision of affordable housing.

36. Paragraph 173 of the NPPF makes it clear that viability should be taken into account in determining policy commitments, and makes specific mention of affordable housing. To ensure that plans are deliverable, it explains that sites and the scale of development identified should not be subject to obligations and policy burdens which threaten their ability to be developed viably. Local planning authorities are expected to assess the impacts on development of local standards, including requirements for affordable housing. Policy H6 of the Local Plan does not set a level of provision, but the explanation refers to negotiations with developers to secure affordable housing. The SPG includes a sliding scale of provision, from 10% to 30%, depending on the number on the housing register. However there is nothing to indicate that formulation of either the SPG or Policy H6 took viability into account, and consequently they are not consistent with the approach advocated in the NPPF.
37. An economic viability assessment concerning affordable housing targets and delivery was commissioned jointly by the Council, Boston Council and the County Council. The Coastal Lincolnshire Economic Viability Assessment (EVA CD GDL12.20) was published in 2013, and contributes to the evidence base for the emerging Core Strategy. For East Lindsey, the EVA put forward an option of 40% affordable housing provision in Rural East Lindsey and 20% in the rest of the District. The latter area comprises the market value areas of the established towns (which include Horncastle) and the north-east settlements. This split target is reflected in Strategic Policy 2 of the draft Core Strategy. I note that the draft submission version prepared at the end of 2013 includes Policy SP3 on affordable and low-cost housing, which simply refers to a 30% level of affordable housing on sites of more than five dwellings. This document, however, has no status as a submission version of the emerging Core Strategy, and it does not supersede the 2012 draft version (above, para 15).
38. However an Affordable Housing Topic Paper was published in June 2014 which advocates a single level of 30% of housing as affordable units⁷. It is argued that updating of the SHMA figures suggests a requirement for 34.7-44.4% affordable housing provision, and that 30% is close to the lower end of this range. Additionally, the level of 30% is close to the unconstrained housing requirement in the SHMA, is mid-way between the proportions of 20% and 40% put forward in the EVA, and is consistent with the decision to use the unconstrained housing growth requirement as the basis for the housing target. The Council also argued that new property prices in the towns fall between those in the two other market values areas. None of those factors provides evidence to justify this change in direction which is of the quality of that in the EVA. In particular, it would seem preferable for a single proportion to be underpinned by testing on a District-wide basis rather than being taken as a mathematical average from the figures for two different areas.
39. The Council pointed to the high level of demand for affordable housing in Horncastle. At the date of the inquiry there were 171 applicants on the

⁷ Appendix 2 to Mr Loveday's proof.

housing register giving the town as their first choice⁸. The level of need, however, is not sufficient justification for the proportion of 30% affordable housing sought by the Council. The EVA adopted a benchmark land value of £360,000 as a level which would provide an incentive for a landowner to sell. The established towns generate residual land values at or above this level with 20% affordable housing. I heard that a level of 30% affordable housing has been achieved in other cases, including another development promoted by the Appellant. The details of those cases are not before me, and I must determine this appeal on the basis of its own merits.

40. The EVA acknowledges that changes in circumstance may occur. Whatever level of affordable housing is sought, however, should be supported, not only in terms of the actual need for such accommodation, but also of the viability of the policy approach. There is evidence in the EVA to support the requirement for 20% affordable housing. There is no equivalent evidence to substantiate the 30% level sought by the Council and articulated in a topic paper. I conclude that, subject to a condition requiring 20% of dwellings to be affordable, the proposed development would make appropriate provision for affordable housing. The provision of affordable housing would be a significant benefit of the appeal proposal.

Other considerations

Housing land supply

41. It is common ground between the main parties that there is not a five years supply of housing land in East Lindsey, which is contrary to the requirement in paragraph 47 of the NPPF. In a supplementary statement of case, the Council submitted an updated housing land assessment with a base date of 30 April 2014, in which it argued that the supply of land was sufficient for 2.17 years. However, the calculation set out at Appendix 1 incorrectly used the stated requirement for the remaining seven years of the plan period as the five year requirement. An amended assessment addressed this error and calculated a 2.8 years supply of land (Document L9). The Council's assessment includes a 20% buffer, which I agree is appropriate, given the identified shortfall in delivery. However, the requirement is derived partly from figures in the revoked Regional Strategy and partly from the draft Core Strategy, the progress of which has been delayed due to a need for further work, and the provisions of which the main parties agreed in the statement of common ground carried little weight.
42. A more relevant figure for need is included in the topic paper entitled *The Proposed Housing Target and Preferred Option for Growth*, published in May 2014 (CD GDL12.9). Drawing on the 2008 and 2010 sub-national household projections, in accordance with paragraph 2a-015 of the PPG, an annual housing target of 765 dwellings is set out for the District. The Council's witness agreed that this figure could represent the full objectively assessed need. As the forecast period referred to in the topic paper is 2011-2031, completions for the three years 2011-2014 should be taken into account in deriving a five years requirement from this source. The information on completions indicates a shortfall of 862 dwellings over this period. On this basis, and including the

⁸ Document L8, table on page 1.

20% buffer, the five years requirement would be of the order of 5,625 dwellings⁹.

43. The Appellant does not accept that it is appropriate to proceed on the basis of the figure of 765 dwellings per year from the topic paper. It is considered that migration has been constrained by recessionary influences and that an upward adjustment is needed to establish appropriate household formation rates for the 25-34 age group. A separate assessment of need was commissioned, which gives an annual requirement of 827 dwellings in East Lindsey¹⁰. Taking account of delivery over the period 2011-2014, this translates into a five year requirement of land for 6,905 dwellings. Given its reference to the former Regional Strategy and the use of figures from the emerging Core Strategy which are not as up-to-date as the those in the topic paper, I do not consider that the Council's revised calculation of a target of 4,989 dwellings provides a satisfactory figure for the five year requirement. The figures derived from the topic paper and produced by the Appellant are more closely aligned with the approach advocated in the PPG, and both are markedly higher than the Council's position.
44. The Council calculates that it has a supply equivalent to 2785 dwellings. This would only be sufficient for about 2.5 years given a requirement of 5,625 dwellings and for 2 years in respect of the Appellant's calculated requirement of 6,905 dwellings. The supporting information provided by the Council in respect of land supply does not all readily relate to the summaries of supply in boxes 2-4 of the revised housing land position statement. The Appellant queried whether there were elements of double counting in respect of pipeline sites and claimed that the information submitted was inadequate to demonstrate deliverability. It is clear that an assessment of deliverability has take place: that is stated in terms within the Council's revised position statement, and the deliverable supply of 2,053 dwellings in box 4 is 1,687 fewer than the previous numbers of sites with planning permission and pipeline sites without permission. Even if all of the deliverable supply identified by the Council were to come forward, this would be sufficient at most for about half of the required five year period. There is a significant shortfall of housing land in East Lindsey, and the contribution of the appeal site towards the provision of a five years supply carries significant weight in support of the appeal proposal.

Horncastle NDP

45. The emerging NDP does not seek to allocate land for housing or other forms of development. As such, the granting of planning permission for the appeal proposal would not prejudice the preparation and content of the NDP, which at this stage carries little weight. Policy 12 supports development on the edge of Horncastle in certain circumstances. Whilst the proposal would not maintain visual openness, the connection to the countryside along the public footpath would remain. Views across the site would be restricted, but the presence of development on the skyline would not be intrusive. This is part of an undesignated landscape adjacent to the existing built-up area. I have already found that the development would cause some limited to moderate harm to the

⁹ A higher figure of 8,056 dwellings is given in figures 4 and 5 of Mr Baker's proof for this exercise. However his calculation has simply substituted the figure of 765 for that of 594 in Appendix 1 to the Council's supplementary statement of case, and it is consequently subject to the same error.

¹⁰ Figure 7 in Mr Baker's proof of evidence.

character and appearance of the area, but this would not undermine Policy 12 nor seriously damage the setting of Horncastle.

Drainage and flood risk

46. The appeal site slopes up from the boundary with the existing properties on Osborne Way and Baggaley Drive. I heard that flooding has occurred in Horncastle in recent years and photographs were submitted of surface water running down Langton Hill in 2012 and 2014 (Document O7). The Save Langton Hill Action Group, the Civic Society and local residents expressed concern about the implications of the development for flood risk, and reference was made to surface water running directly off the appeal site and into the gardens of adjoining properties. Flood risk assessments were submitted with the appeal application and that for the second scheme of up to 240 dwellings (CD GDL1.16 & 8.16). It is intended that a balancing pond would be formed in the south-east corner of the site and the surface water drainage system would capture run-off and reduce the risk of overland flows onto nearby properties. Discharge from the site would be restricted and there should be no increased flood risk in Horncastle due to the construction of housing on the land at Langton Hill. The reduced likelihood of surface water discharge onto neighbouring properties is a benefit of the proposal to which I accord some weight.

Highways

47. To the east of the appeal site frontage, Langton Hill joins the B1191, which, as West Street, continues eastwards to its junction with the A158, one of the main routes through Horncastle. The proposed development would increase traffic movement through this junction, which is signal-controlled but does not include any pedestrian phase. Alterations to the junction are proposed which would include the introduction of a pedestrian phase into the signal cycle, and advance cycle lanes and increased island sizes on the West Street approaches. I consider that, with the alterations in place, additional movements resulting from the appeal site would not reduce highway safety.

48. The extension of the footway/ cycle way to the site entrance on Langton Hill would encourage shorter trips to and from the development to be made on foot or by cycle.

The planning obligation

49. The obligations contain similar provisions. Both require that open space is provided and maintained, and that a management company is established to secure management and maintenance. Open space would be necessary for development of the size proposed, both for the use of future occupiers and to assist in its assimilation into its surroundings.

50. Healthcare contributions of £122,100 and £97,680 would be provided in respect of schemes A and B towards the extension, improvement or alteration of the Horncastle Medical Practice. As there is only one practice in Horncastle, the increase in population from the proposed development would undoubtedly give rise to greater demand for its services. However information from NHS England is not clear about any effect from the present scheme. The NHS refers to a possible cumulative effect involving a total of about 499 homes, but its representation does not indicate that there is no spare capacity at present. On

the basis of the information before me, I do not consider that a contribution to healthcare services is necessary to make the proposed development acceptable in planning terms.

51. The sports contributions are presented in the alternative. For scheme A the obligation would provide for £270,000 towards sports facilities to serve the development or a lesser sum of £22,269 towards the improvement of the astro-turf pitch at Coronation Walk. For scheme B there would be a general contribution of £200,322 or the £22,269 towards improvement of the astro-turf pitch. There is a range of existing sports and recreation facilities in Horncastle but only partial information as to their ability to accommodate additional demand. Pitch provision is reported to be below the level expected for a town the size of Horncastle, and the development would increase existing pressures. Consequently I consider that the contribution towards improvement of the existing astro-turf pitch and not the larger contribution is necessary.
52. The education contributions would be calculated by use of multipliers for secondary school and sixth form places, in which sectors there is no spare capacity. No contribution is sought in relation to the primary sector, as there is some available capacity here. I am satisfied that this part of the obligations is fairly and reasonably related in scale and kind to the appeal proposal, and that it would also meet the other statutory tests.
53. For the reasons given above, I find that the provisions in the planning obligations concerning open space, the formation of a management company, a sports contribution towards the improvement of the astro-turf pitch, and an education contribution are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, and fairly and reasonably related in scale and kind to the proposed development. The statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are, therefore, met and these provisions are a material consideration in the appeal decision. However the healthcare contribution and the larger sports contributions do not meet the statutory tests, and I am unable to take them into account in determining the appeal.

Conditions

54. I have already referred to a condition concerning affordable housing which would be necessary for the development to proceed. For the avoidance of doubt and in the interests of proper planning, a maximum number of dwellings should be specified, and it is important that the development is carried out in accordance with the specified plan. Equally, reserved matters should be prepared in accordance with the appropriate illustrative plan. Given the size of the site, phasing should be approved to ensure that expansion of the built-up area occurs in a satisfactory manner.
55. To ensure that the development would be in keeping with its surroundings, a strategic landscape plan is required, as are a landscape management plan and measures for tree protection. An ecological management scheme would also be important to enhance biodiversity. A construction management scheme would protect the living conditions of neighbours: however there is no specific explanation before me to justify the routing of construction traffic away from Blanchard Road. A phase II contamination investigation was recommended in the phase I study, and should, therefore, be carried out to ensure a safe

residential environment. An equipped play area forms part of the proposal and a condition is required to ensure its provision.

56. In the interest of highway safety, the scheme of works at the junction of West Street and the A158 should be implemented, but the submission of site highway details and their implementation would be more appropriately addressed at reserved matters stage. To encourage the use of alternative means of transport to the private car, conditions would be necessary to secure implementation of the extended footway/ cycle way and two upgraded bus stops, and the submission of a travel plan. Finally, a surface water scheme should be submitted for approval to ensure that the site is satisfactorily drained and that there is no flood risk to neighbouring properties.

Conclusions

57. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. The contribution of the development, whether for up to 300 or 240 dwellings, to the supply of housing land and to the need for affordable housing in Horncastle both represent significant social benefits. A number of important economic benefits would arise, including an estimated expenditure of £36million during the construction period, an expanded labour force, and ongoing additional household expenditure in Horncastle. The reduction of flood risk to neighbouring properties is an environmental benefit, and although there would be certain adverse effects on the character and appearance of the area, none of these carry more than moderate weight. Moreover, towns such as Horncastle are expected to be the focus for new development, in accordance with Strategic Policy 1 of the emerging Core Strategy, and the Council acknowledged that this would necessitate expansion beyond existing settlement boundaries. Taking all considerations into account, I am satisfied that, overall, the proposal would represent a sustainable form of development.
58. There is no five year supply of housing land in East Lindsey, and, in accordance with paragraph 49 of the NPPF, any relevant policies for the supply of housing should not be considered up-to-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted. There are no specific policies in the NPPF which indicate that the development proposed should be restricted. It is therefore necessary to assess the balance of any adverse impacts and benefits.
59. Development of the appeal site for housing would cause moderate harm to the appeal site itself and, prior to the maturing of plant cover, to the surrounding landscape. The adverse impact on visual amenity from Mill Lane and Thimbleby Hill carries similar weight, and there would be limited harm to the views from nearby dwellings. This level of harm would not be materially greater as a result of scheme A. In contrast, the proposed development would make significant contributions to the supply of housing land and the provision of affordable housing. It would also provide certain economic benefits and the reduced flood risk to properties to the east is of some additional weight. The benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects. Indeed I conclude that other considerations clearly outweigh the harm I have identified. Accordingly the

proposal in the form of scheme for up to 300 dwellings would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

60. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed. This decision relates to the planning obligation which includes plan ref 5521-L-02 H.

Richard Clegg

INSPECTOR

Richborough Estates

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved location plan, ref 2013-019-001 A.
- 2) The development hereby permitted shall comprise of no more than 300 dwellings.
- 3) Details of the access, appearance, landscaping (including boundary treatment), layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 4) 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.
- 5) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 6) The reserved matters shall be prepared in accordance with the development framework ref 5521-L-02 H, and shall include street connections for use by emergency vehicles and public transport between the residential areas.
- 7) The landscape details shall be prepared in accordance with a strategic landscape plan covering on-site and off-site planting, which is consistent with the development framework ref 5521-L-02 H and which has previously been submitted to and approved in writing by the local planning authority.
- 8) The landscape details shall include a landscape management plan, with a statement of the overall design vision for the fully developed landscape, which shall provide for the management and maintenance operations for soft planted areas, maintenance frequencies of vegetation types within each sub-area and land management techniques designed to maintain local character and distinctiveness. The development shall be maintained in accordance with the approved landscape management plan.
- 9) No development shall take place until a programme for the phased implementation of the development has been submitted to and approved in writing by the local planning authority.
- 10) None of the dwellings shall be occupied until an equipped play area has been provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The play area shall be retained thereafter in its approved form.
- 11) No development shall take place until a detailed scheme for alterations to the junction of the A158 and West Street, prepared in accordance with plan ref 1351/09D, has been submitted to, and approved in writing by, the local planning authority. None of the dwellings shall be occupied until the junction has been altered in accordance with the approved details.
- 12) No development shall take place until a detailed scheme for a segregated footway/ cycleway on Langton Hill between the proposed site access and Osborne Way, prepared in accordance with plan ref 1351/01, has been

- submitted to, and approved in writing by, the local planning authority. None of the dwellings shall be occupied until the footway/ cycleway has been constructed in accordance with the approved details.
- 13) No development shall take place until a detailed scheme for the upgrading of two bus stops on Lincoln Road, as indicated on figure 6 of the transport assessment ref 1351/2/A/TA, has been submitted to, and approved in writing by, the local planning authority. None of the dwellings shall be occupied until the bus stops have been upgraded in accordance with the approved details.
- 14) None of the dwellings shall be occupied until a travel plan, including a programme for its implementation, has been submitted to and approved in writing by the local planning authority. The travel plan shall be implemented in accordance with the approved programme.
- 15) The development shall not begin 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 20% of the dwellings.
 - ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. No more than 80% of the market housing shall be occupied before the affordable housing is completed and ready for occupation.
 - iii) The arrangements for the transfer of the affordable housing to an affordable housing provider or 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 first and subsequent occupiers of the affordable housing.
 - 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.
- 16) No development shall take place until a scheme for surface water drainage and its management thereafter, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system and shall include a programme for its implementation. The surface water drainage system shall be constructed in accordance with the approved programme and maintained thereafter in accordance with the approved management arrangements.
- 17) No development on any phase shall take place until a scheme for the enhancement of biodiversity on that phase, including a programme for its implementation, and an ecological management plan have been submitted to and approved in writing by the local planning authority. The schemes shall be prepared in accordance with the principles contained in

the Ecological Appraisal accompanying the application. They shall be implemented in accordance with the approved programme and maintained thereafter in accordance with the ecological management plan.

- 18) No development shall take place until a construction management plan has been submitted to, and approved in writing by, the local planning authority. The approved management plan shall be adhered to throughout the construction period. It shall provide for:
- i) A strategy for managing environmental impacts which arise during construction.
 - ii) Measures to control the emission of dust and dirt during construction.
 - iii) Control of noise emanating from the site during the construction period.
 - iv) Hours of construction work.
 - v) Location, scale and appearance of contractors' compounds and storage arrangements for materials, plant, equipment and temporary infrastructure.
 - vi) Designation, layout and design of access and egress points.
 - vii) Internal site circulation routes.
 - viii) Directional signage.
 - ix) Provision for emergency vehicles.
 - x) Provision for the parking, turning, loading and unloading of vehicles.
 - xi) Measures to prevent mud and other material migrating onto the highway.
 - xii) Enclosure of development parcels and the erection and maintenance of security hoardings.
- 19) No development shall take place until a phase II contamination investigation has been carried out, and the results of the site investigation have been submitted to the local planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 20) No development shall take place until trees and hedgerows to be retained on and adjacent to the site have been securely fenced off with protective barriers in accordance with a tree protection plan which has been submitted to and approved in writing by the local planning authority. The

tree protection plan shall be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no digging of service trenches without the prior approval in writing of the local planning authority.

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss T Osmund-Smith of Counsel	Instructed by Miss C Lockwood, Senior Solicitor, Lincolnshire County Council.
She called	
Mr D J Loveday	Interim Planning Officer, East Lindsey District Council, and Director, LGS Ltd.
BSc(Hons) MRTPI	
Mr S Mason	Strategic Planning Officer, Children's Services, Lincolnshire CC ¹¹ .

FOR THE APPELLANT:

Mr G Cannock of Counsel	Instructed by Mr Baker.
He called	
Mr G Holliday BA(Hons)	Director, FPCR Environment and Design Ltd.
MPhil CMLI	
Mr M G Baker	Director, G L Hearn.
Mr G Venning	Associate Director, Level Ltd.

INTERESTED PERSONS:

Councillor S Campbell-Wardman	Mayor and Chairman of Horncastle Town Council.
Dr R M Sambrook	Chairman, Horncastle Neighbourhood Development Plan Steering Group.
Mrs M Silverton	Chairperson, Horncastle Civic Society.
Dr D Lawrence MA FRICS	Horncastle Civic Society.
Mrs M Darkes	Chair, Save Langton Hill Action Group.
Mr R Barker RIBA	Local resident.
Mrs C Marshall-East	Local resident.

THE LPA'S DOCUMENTS

- L1 Schedules of completions and housing land relating to the supplementary statement of case.
- L2a-c Decision notice, report and decision record in respect of the application for up to 240 dwellings on the appeal site.
- L3 Appeal decision ref APP/H1033/A/13/2205644 concerning residential development at Glossop.
- L4 Extract from Planning Practice Guidance concerning planning obligations.
- L5 Email dated 16 September 2014 from NHS England (Leicestershire and Lincolnshire Area) to the District Council concerning a healthcare contribution.
- L6 Note concerning the provision and maintenance of open space.
- L7 Letter dated 13 June 2013 from Mr Mason to the District Council concerning an education contribution.
- L8 Note on affordable housing in Horncastle.

¹¹ Mr Mason was not called directly, but contributed to the session on the planning obligation on behalf the District Council.

- L9 Revised schedule of housing land supply in East Lindsey at 30 April 2014.
- L10 Email dated 30 September 2014 from the District Council concerning the progress of the Horncastle Neighbourhood Development Plan.

THE APPELLANT'S DOCUMENTS

- A1 Appeal decision ref APP/J3720/A/13/2202961 concerning residential development at Southam, Warwickshire.
- A2 Planning Inspectorate Good Practice Advice Note 16 – Submitting planning obligations.
- A3 Revised list of conditions prepared by the Appellant in the light of the conditions session.
- A4a-b Planning obligations relating to the appeal proposal.
- A5 Email dated 30 September 2014 from the Appellant concerning the progress of the Horncastle Neighbourhood Development Plan.

OTHER PARTIES' DOCUMENTS

- O1 Mrs Darkes's statement for the Save Langton Hill Action Group.
- O2 Councillor Campbell-Wardman's statement for Horncastle Town Council.
- O3 Mrs Silverton's statement for Horncastle Civic Society.
- O4 Bundle of photographs showing views towards the appeal site. Submitted by Mrs Darkes.
- O5 Dr Lawrence's statement for Horncastle Civic Society.
- O6 Mr Barker's note on housing supply.
- O7 Notes and photographs concerning flooding in Horncastle. Submitted by Dr Sambrook.
- O8 Mrs Marshall-East's statement.
- O9 Response from the Neighbourhood Development Plan Steering Group to the consultation on the proposed housing target and the preferred option for growth.
- O10 Emails from Dr Sambrook concerning the progress of the Horncastle Neighbourhood Development Plan.

GENERAL DOCUMENTS

- G1 Policies from the August 2014 version of the draft Horncastle Neighbourhood Development Plan.
- G2 Plan of suggested places for accompanied site visit.
- G3 Core Strategy Submission Version (draft).
- G4 Agenda and papers for the meeting of the Planning Policy Committee on 10 September 2013.
- G5 List of suggested conditions (2nd version submitted on 19 September 2014).
- G6 Draft Neighbourhood Development Plan.