
Appeal Decision

Inquiry held on 4/5/6/10/11 February 2015

Site visits made on 3/10/11 February 2015

by John Wilde C.Eng M.I.C.E.

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

Decision date: 13/05/2015

Appeal Ref: APP/J3720/A/14/2222479

**Kissing Tree House, Kissing Tree Way, Alveston, Stratford-upon-Avon,
Warwickshire, CV37 7QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chris Swan with Spitfire Properties LLP against the decision of Stratford on Avon District Council.
 - The application Ref 13/02806/FUL, dated 23 October 2013, was refused by notice dated 13 May 2014.
 - The development proposed is the erection of 18 houses, new access, open space, landscaping works, church car park with separate access and extension to churchyard (for ashes only burial).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The original application was for 18 houses as described above. However, prior to determination by the Council this was adjusted to 15 houses. This latter development (and the corresponding supplied drawings) is therefore the scheme under consideration in this appeal.
3. I carried out unaccompanied site visits on 3 and 10 February 2015 and an accompanied site visit on 11 February 2015. The 10 February visit was in the dark to experience the views of the church at night.

Main Issues

4. The main issues are:-
 - (a) Whether or not the proposed development would preserve or enhance the character or appearance of the Alveston Conservation Area.
 - (b) The effect of the proposed development on the settings, and thereby the significance, of the heritage assets within the vicinity, namely St James' Church, Kissing Tree House and Hemingford House.
 - (c) The effect of the proposed development on the character and appearance of the area in general.

Reasons

Background

5. The Council accept that they cannot demonstrate a five year supply of housing. The two main parties disagree as to the extent of the housing shortfall with the Council suggesting a 4.6 year supply, and the appellants claiming that the Council have considerably less than this. To my mind the extent of the deficit is not material in respect of the imposition of paragraph 49 of the National Planning Policy Framework (the Framework), which makes clear that *relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*. I will consider in more detail the various policies put forward by the Council later in this decision.
6. Paragraph 49 also states that *housing applications should be considered in the context of the presumption in favour of sustainable development*. Paragraph 14 of the Framework indicates that the presumption in favour of sustainable development means that *for decision taking, where the development plan is absent, silent or the relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
7. I will now consider the issues raised in light of this background. Whilst I have identified three main issues based on the Council's reasons for refusal, it should be recognised that these issues are not entirely discrete. Nonetheless, for the purposes of this decision I shall assess them, as far as possible, in isolation. Firstly however, it is necessary to assess the existing character of the village and the part played by the appeal site in defining that character.

The appeal site and its relationship to the village

8. The appeal site consists of undeveloped grassland and is located at the southern edge of Alveston within the Alveston Conservation Area (CA). Immediately to the north of the site is the Grade II listed St James' Church. To the west of the site runs Church Lane, one of the main ways into the village from the B4086 which in turn runs west to east to the south of the appeal site. To the north-west of the appeal site is the relatively new development of Church Close. This replaced a large glass house enterprise but is not actually within the CA. Nonetheless it does have an impact upon the character and appearance of the CA.
9. To the north-east of the site is the large Grade II property known as Kissing Tree House. This property lies on the southern periphery of the village within extensive grounds that continue to the aforementioned B4086. To the south-west of the site, on the far side of Church Lane and outside of the CA lies the Grade II listed property known as Hemingford House.
10. My attention has been drawn to a document entitled *Landscape Sensitivity Assessment for Villages*¹ (LSAV). The appeal site lies within an area shown as Av03 in this document and is described as forming *part of the green buffer between the rural settlement and the B4086*. I concur with this assessment and in essence therefore the appeal site can be described as being part of a

¹ CD 44.5 – produced for the Council by White Consultants.

large field that forms a green buffer between the B4086 to the south and St James' Church to the north. I note that the LSAV describes area Av03 as having a high/medium sensitivity to housing development.

11. St James' Church therefore currently forms the southern extent of the village between Church Lane to the west and Kissing Tree Lane to the east, although built form extends further south to the west and east of both of these roads. Views are currently available from various locations along the B4086, through the appeal site, of the south elevation of the church.

Whether or not the proposed development would preserve or enhance the character or appearance of the Alveston Conservation Area.

12. The CA was designated in 1969 and a booklet entitled *Alveston Conservation Area* (ACAB) was produced by the Council 1992². This document divides the CA up into three principal areas. The appeal site lies within area B (central area) which is described as being *dominated by large private grounds, each surrounded by dense screening in the form of planted belts or close boarded fencing or high brick walls*.
13. Area A of the CA although directly to the west of area B is to the north-west of the appeal site. It consists of dwellings fronting the road network particularly around the junction of Church Lane and Alveston Lane with a field then bordering Lowe End until the junction with Mill Lane. Thereafter development is very sparse. Area C to the east contains the densest built form within the village particularly around the newer development at Avonsfields Close. This can by no means however be described as high density development.
14. The ACAB notes that the smaller properties in areas A and C are mostly constructed *in soft coloured local brick* and that roofs are usually of clay tiles. It also notes that in area B the larger properties have their *brick construction hidden either by simply painting the brick itself or by rendering and painting*. At my site visit I also noticed several far newer houses constructed to appear as being timber framed.
15. The ACAB goes on to describe the area to the north and south (the appeal site) of core area B as *laid out in the English Landscape tradition as parkland*. Section 4.3 of the document states that *the fields within the Conservation Area should be protected as open space to maintain the close relationship between the built up and rural environment which is characteristic of the village*.
16. A further document published by the Council is the *Alveston Village Design Statement*³. This was updated in March 2010⁴ and under *Design Guidelines* on page 6 states that *the open spaces surrounding the entrances to the village should remain intact in order to keep the rural view, clearly distinguish the boundaries of the village and to maintain Alveston's concealed setting*. I also note that under the heading *retaining the Rural character* the opening sentence states that *In 2009, the overriding issue for villagers is the desire to retain the open character of the fields surrounding the village that create an important rural edge to the settlement*.

² Core Document 44.9. Based on a report prepared for the Council by Michael Reardon and Associates in association with Alison Higgins Associates entitled *Alveston Conservation Area Re-Assessment 1991*.

³ CD 44.7

⁴ CD 44.8

17. It seems from the foregoing therefore that the un-developed nature of the field containing the appeal site is seen as an important characteristic of the village, and the CA goes so far as to specifically mention that it should be protected as such.
18. I note that English Heritage's (EH) document regarding conservation areas⁵, when discussing key elements that define the special interest of conservation areas, specifically mentions the relationship of the conservation area to its setting and the effect of that setting on the area. The document also points out that another key element is how the places within it are experienced by the people who live and work there and by visitors to the area.
19. In the case of Alveston, the fields surrounding the village are an important part of the character of the CA and to my mind represent a key element in how the CA is presented to and experienced by members of the public. I also note that the ACAB considers the view across the pastureland from the junction of the B4086 and Church Lane to be an *important view*.
20. The proposed development would see the insertion of 15 dwellings within this area. The density of the proposed development would be relatively relaxed with several of the houses set in large grounds. Importantly the development would not extend as far as the B4086 and therefore a small amount of green buffer would remain. I also note the intention to provide planting to the southern and south-eastern boundaries of the site. Notwithstanding these factors however, the appeal site's value to the CA is its open nature with the views across this openness. It follows therefore that the insertion of built form into this area cannot be considered to be either preserving or enhancing the CA, and, in my view, would result in less than substantial harm to the CA.
21. The Council references policy EF.13 of the Stratford on Avon Local Plan Review (1999-2011) (SLPR) in its reasons for refusal. This policy states that *development proposals which do not preserve or enhance the character or appearance of a conservation area or its setting will not be permitted*. This differs somewhat from paragraph 134 of the Framework which makes clear that where less than substantial harm is found that harm should be weighed against the public benefits of the proposal. For this reason, taking into account paragraph 215 of the Framework, I can give policy EF.13 less than full weight in my determination. I will return to the question of balancing the benefits of the proposed development against the totality of harm later in this decision.

The effect of the proposed development on the settings, and thereby the significance, of the heritage assets within the vicinity

22. As previously stated, St James' Church lies directly to the north of the appeal site. It would not be directly impacted by the proposed development but its setting would be.
23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which makes clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

⁵ Understanding Place: Conservation Area Designation, Appraisal and Management Revision Note June 2012

24. The Court of Appeal in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and Others* [2014] EWCA Civ 137 made clear that special regard to the desirability of preservation means that avoiding harm to a listed building, or its setting, is a factor that is not only one of considerable importance, but also one that attracts considerable weight in any balancing exercise.
25. The EH document that gives guidance on the setting of heritage assets⁶ states that the significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting, which it makes clear is *the surroundings in which it is experienced*.
26. In the case of St James' Church the whole of the south elevation can currently be experienced from several viewpoints to the south, most notably from the B4086 across a flat rural landscape. The church is therefore seen as a major landmark within the vicinity, and, notwithstanding the presence of the Church Close development, does exhibit a certain sense of isolation when viewed from this direction. To an extent this isolation derives not only from the pastureland to the south but also from the topography, large plot sizes to the north of the church and the abundance of mature planting within the village.
27. Good views of a large portion, in terms of height, of the church are also in evidence from the north along Church Lane and from the south-west from the village memorial. I note that this latter view was deliberately engineered when the Church Close development was planned. Views from the churchyard to the south of the church are of pastureland stretching to the B4086.
28. During the Inquiry evidence was produced in the form of historic aerial photographs. These seem to point to the fact that the church has not always been seen as part of the open land to the south, with the 1945 photograph in particular showing a relatively strong belt of vegetation to the southern boundary of the churchyard. I also note that in this photograph, because of the lack of buildings to the north of Kissing Tree Way the church is in an isolated position. This situation has slowly been eroded over time with the development of this northern area.
29. Whilst the setting of the church may not always have been defined by its relationship with the open land to the south, it seems to me that that is the case, to an extent, now. It therefore has an influence on the significance of the church.
30. The proposed development would have a green area between the churchyard and the northernmost properties which would be about 50m away, meaning that the southern elevation of the church could be viewed from the green area in its entirety without interference. Notwithstanding this however, the proposed development would introduce built form and the domestic paraphernalia that accompanies such into what is at present, in terms of the southern side of the church, a completely rural aspect. I consider that such an impact would, to an extent, be detrimental to the setting of the church and would therefore have a negative affect upon its significance. This has to carry considerable weight in my balancing exercise. There would also be conflict with SLPR policy EF.14. This policy makes clear that the preservation of listed buildings and their settings will be secured through a variety of means,

⁶ The Setting of Heritage Assets: Revision Note June 2012

including *applying the presumption in favour of the preservation of listed buildings*.

31. In arriving at this conclusion I have taken into account the presence of the Church Close development. This however, is not particularly evident in views either into or out of the church to the south.
32. Kissing Tree House lies to the east of the church and would therefore be further removed from the proposed development. Nonetheless, Kissing Tree House has a current relationship with both the church and the open land to the south, and there is a clear view from the grounds of the house of the east elevation of the church. Whilst this view would not be removed by the proposed development, its rural nature would be impacted upon, and the church would be seen within the context of built form rather than an open field. Kissing Tree House can also be seen from several places along Church Lane across the open land, and the proposed development would impinge upon these views. It follows that there would also be a harmful impact upon the setting of Kissing Tree House. Whilst this impact would not be substantial it still carries considerable weight. There is also conflict with policy EE 14.
33. In arriving at this conclusion I have taken note of several aerial photographs, particularly that from 1937, that show a relatively dense tree belt between Kissing Tree House and the area to the west. I acknowledge therefore that historically, Kissing Tree House has not always had a visual relationship with the appeal site. However, to my mind the important factor is the relationship that it has at the present time, as it is this that would be altered by the proposed development.
34. Hemingford House lies on the western side of Church Lane and is outside of the CA. The presence of the lane and the screening associated with the house means that the proposed development would not, in my view, have a harmful impact upon its setting.

The effect of the proposed development on the character and appearance of the area in general

35. I have been supplied with two documents prepared on behalf of the appellant by MHP in respect of the impact of the proposed development on the character and appearance of the area. The first of these is a Landscape and Visual Appraisal (LVA) and the second is a Landscape and Visual Impact Assessment (LVIA). I have also been supplied with a Landscape and Visual Impact Assessment prepared by White Consultants on behalf of the Council.
36. Both of the LVIA's use the methodology described in the document *Guidelines for Landscape and Visual Impact Assessment third edition*⁷ (GLVIA), although there are differences in some of the terminology used. The GLVIA highlights the fact that there is a clear distinction between landscape and visual effects, with the former being the effect of the proposed development on the physical and other characteristics of the landscape and its resulting character and quality, and the latter being the effects on views experienced by visual receptors (e.g. residents, footpath users etc.) and on the visual amenity experienced by those people. I will deal with each of these in turn.

Character and appearance – landscape effects

⁷ Produced by the Landscape Institute and Institute of Environmental Management and Assessment

37. The first step in the process is to determine the sensitivity of the landscape to change. This has already been done in the LSAV which found that area Av03 to have a high/medium sensitivity to housing development. This sensitivity level was based on the fact that area Av03 is *integral to the setting of a listed building within a conservation area and is parkland with many specimen trees*. It is a fact that the area is within the conservation area and I have previously found that the open field does contribute towards the setting of St James' Church.
38. The question of whether or not the appeal site is parkland was one that was debated at the Inquiry. As I have previously noted, the appeal site has the appearance of undeveloped grassland. There are no notable trees currently present on the site itself that would lend it the air of a more formal landscape, but large specimen trees are in evidence slightly to the east. There is evidence in the form of metal railings and tree guards around the boundaries of the B4086 and Church Lane, as well as the presence of formally planted trees, that indicates that the area was once part of a more formal landscape. Moreover, the map at appendix C of the ACAB denotes the area as *open parkland*. Taken together with the presence of Kissing Tree House and the lack of intervening hedges I consider that it is not unreasonable to describe the area as parkland, even though it is not obviously kept as such at the present time.
39. The proposed development would see the insertion of built form into this landscape. This would be highly noticeable from the south and east, particularly in the early years and also very evident when viewed from the churchyard. Over time the proposed planting around the edge of the site and also along the boundaries of Church Lane and the B4086 would lessen the impact of the built form. However, some of the planting shown on the site drawings along the east and south boundaries of the site is shown as being within private gardens, in the case of plot 14 within a very short distance of the south elevation of the property itself. It seems to me that there is no way of guaranteeing that this planting would be allowed to grow to sufficient height and density to perform the screening function anticipated. There would also be no guarantee that planting carried out along the boundaries of the B4086 and Church Lane would be maintained in the future.
40. The insertion of the proposed development into this landscape has to my mind to be classified as a substantial or high level of change. Given that the sensitivity of the landscape is high/medium the overall significance must be moderate/major.
41. I note that the appellants' LVIA considers both the sensitivity of the site and the magnitude of change to be medium. This is however based to an extent on the proposals *restoring historic field pattern, managing longevity of existing trees and planting new trees/hedges*, and I consider that this overestimates the benefits of the proposed development. I also note that when combining the medium sensitivity of the site with the medium magnitude of change the appellants' LVIA concludes that the significance of the effect would be *low/moderate*, which I find somewhat surprising.

Character and appearance – visual effects

42. This is related to the effects on views experienced by visual receptors (e.g. residents, footpath users etc.) and on the visual amenity experienced by those

- people. The two LVIA's take similar viewpoints and I will address what I consider to be the three most important of these.
43. The current view from the junction of the B4086 and Church Lane is of the south elevation of St James' Church seen across an expanse of pastureland. Kissing Tree House can also be seen by turning slightly to the east. The people who would see these views would be mainly drivers although as there is a verge some may use the route for leisure purposes such as walking a dog. The views would be considerably lessened in the summer due to the growth of the boundary vegetation. The Council consider that these receptors would overall exhibit a medium sensitivity, whilst the appellants consider that they would exhibit a low sensitivity. To my mind, given that the B4086 is a relatively busy road few of these receptors would be at this point purely to experience the view as part of a walk in the countryside, and consequently I consider that they would be low sensitivity receptors.
44. I do however disagree with the appellants' LVIA where it considers that the magnitude of change would be low. The magnitude of change resulting from placing a housing estate within about 60m of the viewpoint would be high in the immediate future and moderate in the longer term, when proposed planting has had time to mature. A high magnitude of change combined with a low magnitude of receptor to my mind indicates a moderate significance, rather than the no/low effect given by the appellants' LVIA.
45. The view from about 50m along Church Lane towards the village, with the development in place would be of houses and the view of Kissing Tree House would be either totally or partially blocked depending on the receptors exact position. Looking to the left the views of the church would be of the tower and part of the roof structure as opposed to the whole of the south elevation. The receptors at this point would be more likely to be locals either driving to their homes or walking, and because of this I consider that their sensitivity would be medium rather than low. The magnitude of change would once again be medium which, when combined with the receptor sensitivity of medium would give a moderate significance of change.
46. The view south from the church/churchyard would be experienced by people using the church and visiting the churchyard. The view would be important in their appreciation of the surroundings and the relative peace and tranquillity, and both the appellants and Council agree that this would mean that the sensitivity of the receptors would be high. I agree with this assessment.
47. The view would change from an open vista to one that would include houses within about 50m. Notwithstanding the presence of the proposed communal green and burial area the change would be seen as being from rural to semi-suburban, from the edge of the village to somewhere within it. The Council consider that this would amount to a substantial/moderate change leading to a major significance, rather than the medium change leading to moderate significance suggested by the appellants. I agree with the conclusion of the Council.
48. I have found therefore that the significance of change to the landscape would be moderate/major and that in the worst case the significance of the visual effects would be major. There would therefore be conflict with policy P.R.1 of the SLPR. This policy seeks to ensure that development proposals should

respect, and where possible, enhance the quality and character of the area. Conflict with paragraph 109 of the Framework would also exist.

Alternative housing sites in Alveston

49. At the Inquiry the availability of and necessity for alternative housing sites in Alveston was debated. This stemmed from the appellants' reference to a High Court Decision⁸ where alternative sites had to be considered because of an acknowledged need within policy for affordable housing in the village under consideration. There was within the village an identified and viable alternative site upon which, it was agreed, development would not cause harm to heritage assets.
50. The appellants also pointed to the scarcity of possible alternative sites in Alveston as evidenced by a document prepared by Geoffrey Prince Associates Ltd⁹, and to a lesser extent by the LSAV. I also note that the SHLAA Review 2012 indicates in respect of Alveston that *no specific sites have been identified as having future potential*. The corollary of this is of course that the SHLAA considers the appeal site also to be unsuitable.
51. In this case there is no current policy imperative for housing to be provided in Alveston. There is a reference in policy CS.16 of the Submission Draft Emerging Core Strategy to the fact that category 4 local service villages should accommodate approximately 10 to 25 homes in each. This has been changed by the Council in a possible modification to policy CS.16 to indicate that approximately 350 homes in total with a maximum of 30 homes in individual settlements outside of the Green Belt should be provided in such villages. However, this policy is part of an emerging Core Strategy that still has objections, and the Statement of Common Ground for this appeal makes clear that the appellants themselves consider that *only very limited weight* can be attached to this emerging document. I agree with this statement and therefore conclude that it would be outside of the parameters of this appeal and completely inappropriate to consider the availability of alternative sites in Alveston.

Section 106 Agreements

52. I have been supplied with two signed and dated documents relating to Section 106 of the Town and Country Planning Act 1990. One of these is a Unilateral Undertaking (UU) that would secure a financial contribution to the Friends of St James' Church of £27,500 as well as ensuring that the proposed car parking area and remembrance garden would be transferred to the Diocese. The second document is a Deed of Agreement that would secure contributions to mitigate the effects of the proposed development in respect of off-site affordable housing, off-site public open space, secondary education, traffic regulations, public rights of way and sustainable travel.
53. Whilst the appellant has not contested the contributions it is still incumbent upon me to assess the required contributions against regulation 122 of the Community Infrastructure Levy (CIL). This regulation makes clear that it is unlawful for a planning obligation to be taken into account in a planning

⁸ Case No CO/735/2013 Mr Justice Lindblom *The Queen (on the application of (1) The Forge Field Society (2) Martin Barraud (3) Robert Rees and Sevenoaks District Council and (1) West Kent Housing Association (2) The Right Honourable Phillip John Algernon Viscount De L'Isle*

⁹ Land off Church Lane Alveston, Assessment of potential housing sites.

decision on a development that is capable of being charged CIL if the obligation does not meet all of the following tests. These are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

54. In respect of the Deed of Agreement I have been provided with a document by the Council entitled *CIL Statement*¹⁰. This is accompanied by a set of appendices¹¹ that justify the required contributions in terms of the tests outlined above. I can therefore take the Deed of Agreement into account in this decision.
55. In respect of the Unilateral Undertaking I have been supplied with no such documentation and, whilst I am sure that the contribution towards the restoration of the fabric of the church would be very welcome, I cannot see, and have been given no justification to show, that this would comply with any of the tests outlined above. I cannot therefore take the UU into account in this decision.

Balancing exercise

56. Paragraph 49 of the Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. As the Council cannot demonstrate a 5 year housing land supply it also follows from paragraph 49 that the Council's policies on housing supply cannot be considered to be up to date. Paragraph 14 of the Framework is therefore triggered. As I have previously stated this means that *for decision taking, where the development plan is absent, silent or the relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
57. I have found that the proposed development would result in less than substantial harm to the CA, and in doing so would conflict with policy EF.13 of the SLPR. Whilst I have found that this policy carries less than full weight the harm to the CA carries considerable weight. I have also found that less than substantial harm would be occasioned to the Grade II listed properties of St James' Church and Kissing Tree House. Once again this carries considerable weight. Added to this has to be the harm identified to the character and appearance of the landscape.
58. In terms of benefits, the proposed development would provide much needed market housing and also affordable housing, the latter of which there is great need within the district. This housing could be provided within a short timescale. There would also be local economic benefits as well as financial payments to the Council generated by the new homes bonus and some positive contributions towards ecology in terms of the reinforcement of planting along the B4086.
59. The provision of housing carries significant weight given the lack of a five year supply within the district. However, notwithstanding that, overall, I consider that the adverse impacts that have been identified significantly and demonstrably outweigh the benefits.

¹⁰ CD 24

¹¹ CD 25

Overall conclusion

60. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonathan Clay

He called

Dr Allen Firth PhD BSc
MSc MSc(Heritage and
Conservation)

Mr Simon White DipLA
DipUD(Dist) MA CMLI
(Landscape)

Mr Phillip Smith BA
(Hons) DipTRP MRTPI
(Planning)

FOR THE APPELLANT:

Mr Anthony Crean QC

He called

Mr Paul Harris BA Dip LA
CMLI

Mr Malcolm Payne Dipl
Arch RIBA IHBC

Mr Keith Fenwick BA
(Hons) MRTPI

Canon Richard Williams

INTERESTED PERSONS:

Mr Nicholas Butler

Representing the Campaign to Protect Rural
England

Mr Steve Bromley MRTPI Dip TP

Representing the Alveston Villagers Association

Mr Roger Read

Local resident

Councillor Lynda Organ

Local Councillor

Mr Keith Martin

Local resident

Mr David Tucker

Local resident

DOCUMENTS HANDED IN DURING THE INQUIRY

1. Copy of the Planning Practice Guidance paragraphs 18a-001 to 18a-063.
2. List of appearances for the Council.
3. Council's notification letter for the Inquiry dated 9 December 2014 with attached circulation list.
4. Draft deed of Agreement under Section 106 of the Town and Country Planning Act 1990.

5. Draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.
6. Opening submissions on behalf of the appellant.
7. Opening submissions on behalf of the Council.
8. Document entitled *Issues raised during the Core Strategy Examination Hearings*.
9. Table entitled *Comparative viewpoint assessments*.
10. Letter dated 13 March 2013 from the Bishop of Coventry.
11. Extract (pages 283-288) from *British History Online*.
12. Statement to the Inquiry by Mr Nicholas Butler on behalf of the Campaign to protect rural England.
13. Draft deed of Agreement under Section 106 of the Town and Country Planning Act 1990, signed but not dated.
14. Statement to the Inquiry by Mr Steve Bromley on behalf of the Alveston Villagers' Association.
15. Decision letter relating to a site at 28 Amwell Street London.
16. Possible modification to policy CS16 of the emerging Core Strategy.
17. High Court Decision – Derbyshire Dales.
18. High Court Decision – Dartford Borough Council.
19. Document entitled *Issues raised during the Core Strategy Examination Hearings Part 2*.
20. Statement to the Inquiry by Mr Roger Read.
21. Statement to the Inquiry by Councillor Lynda Organ.
22. Statement to the Inquiry by Mr Kevin Martin.
23. List showing the Green Belt status of Local Service Villages.
24. CIL statement from the Council.
25. Appendices to CIL statement.
26. Decision letter 2215925 – Land west of Irchester, Wellingborough.
27. Letter dated 30 January 2015 from English Heritage.
28. Statement to the Inquiry by Mr David Tucker (plus two attached plans).
29. Letter dated 23 October 2013 from Geoffrey Prince Associates Ltd.
30. Document produced by Geoffrey Prince Associates entitled *Land off Church Lane, Alveston, Assessment of potential housing sites*.
31. Credentials of Mr Malcolm Payne.
32. Secretary of State Decision – Land at Javelin Park, near Haresfield.

33. Decision notice relating to land at Bentfield Green – 2201844.
34. High Court Decision – Trusthouse Forte Hotels Ltd.
35. High Court Decision – Gravesham Borough Council.
36. Decision letter 2207324 – Land off Bath Road, Leonard Stanley.
37. Planning (Listed Buildings and Conservation Areas) Act 1990 section 69.
38. Letter dated 23 August 2013 from MADE.
39. Notes supplied by the appellant prior to examination in chief.
40. Closing submissions on behalf of the Council.
41. High Court Decision – South Northamptonshire Council.
42. Closing submissions on behalf of the appellant.
43. Guidelines for Landscape and Visual Impact Assessment third edition.
44. Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, signed but not dated.

PLANS HANDED IN DURING THE INQUIRY

1. Drawing AR_910_002_A.
2. Drawing showing approximate distances to Church.
3. Complete set of A1 drawings.

PHOTOGRAPHS HANDED IN DURING THE INQUIRY

1. Photographs and visualisations drawing Nos 184_AR_920_001_A to 184_AR_920_006.
2. Historical aerial photographs of the site.