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# Appeal Decision

Inquiry opened 4 August 2015

Site visit made on 13 August 2015

by **D R Cullingford** BA MPhil MRTPI

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

Decision date: 23/09/2015

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**Appeal Ref: APP/F1610/A/14/2228762**

**Land to the east of Broad Marston Road, Mickleton, Gloucestershire, GL55 6R9**

- 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 by Gladman Developments Limited against the decision of the Cotswold District Council.
- The application (ref: 14/02365/OUT and dated 27 May 2014) was refused by notice dated 20 October 2014.
- The development proposed is described as an outline application for 'residential development (up to 90 dwellings), access, parking, public open space, landscaping and associated infrastructure'.

**Summary of Decision: ~ The appeal is allowed, subject to conditions.**

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## Procedural matters

1. Although this 'urban development project' falls within the descriptions set out at paragraph 10b of Schedule 2, exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, the Screening Direction issued by the Secretary of State on 21 July 2014 indicated that the scheme would not entail development in a 'sensitive' area and would be unlikely to have any significant environmental effect, bearing in mind the criteria set in Schedule 3 to the Regulations. Consequently the scheme is not EIA development and an Environmental Statement is not required. The Direction concurs with the Screening Opinion issued by the Council and dated 27 November 2014. Nevertheless, the application was accompanied not just by a:

- A Planning Statement, including an Affordable Housing Statement,
- A Statement of Community Involvement, and
- A Design and Access Statement.

But also by:

- A Landscape and Visual Assessment,
- An Arboricultural Assessment,
- An Ecological Appraisal,
- Plans and illustrations for the 'green corridor',
- Ecological Surveys relating to bats and great crested newts,
- An Archaeological Desk-based Assessment,
- An Archaeological Geophysical Survey,
- An Archaeological Evaluation,
- A Heritage Assessment,
- A Transport Assessment and Travel Plan,
- A Flood Risk Assessment and Foul Drainage Strategy,
- An Agricultural Land Quality Assessment,

- An Air Quality Assessment,
- An Energy Assessment,
- A Sustainability Assessment, and
- A Socio-economic Sustainability Statement.

## Reasons

### *The site and surroundings*

2. Mickleton is a village of some 750 households at the foot of the scarp slopes at the northern end of the Cotswold Hills. It lies at the edge of the AONB, beneath Hidcote Manor and gardens and just to the south west of Meon Hill, spreading into the flat fertile lands that form the Vale of Evesham. The place is listed in the Domesday Book and the old centre is clustered around the High Street, Chapel Lane and Hill Lane beneath the Parish Church of St Lawrence and the Manor House. This is the core of the Conservation Area where Cotswold Stone (of the hills) and thatched black-and-white buildings (of the Vale) jostle for position around the tiny green beside the Three Ways House Hotel. There are 37 Listed Buildings here, of which the Church, Medford House and its garden walls are Listed as Grade I. Newer estates spread to the south and north, though the scarp slope within the Conservation Area to the east is largely free from such development. Much of those estates appear to cover land that once accommodated orchards, nursery gardens or glasshouses, including the oddly divorced and mainly post War estates at Granbrook Lane. The same appears to apply to the 2 schemes recently granted planning permission involving up to 80 dwellings at Canada Lane (to the north, 13/03539/OUT) and some 70 dwellings at Arbour Close (to the south, 13/04237/OUT).
3. The village still has a Post Office, a general food store, a renowned traditional butcher, a garage, an ATM and a farm shop. There is the King's Arms and the Butcher's Arms and the Three Ways House Hotel: there is church and chapel and a modern primary school: there are sports facilities, a playing field and a play area: there are clubs and societies, including the Pudding Club which meets at the hotel. There is a regular, if limited, bus service through the village connecting Moreton-in-the-Marsh and Stratford-upon-Avon; it might provide for commuters into Stratford but to nowhere else and it might provide day-time connections to higher order places nearby; there is also a 'Hedgehog Community bus'. The nearest railway station is at Honeybourne, 3 miles away.
4. Such characteristics have been assessed in the context of the emerging Local Plan and Mickleton is ranked 13<sup>th</sup> out of the 17 settlements (other than Cirencester) identified in the consultation document as sufficiently 'sustainable' to accommodate additional development. Although employment is limited and other than by car-borne commuting restricted, the small Seyfried Industrial Estate to the north of the village offers some local job opportunities, as do the businesses in the village itself. True, neither the mooted business development envisaged as part of the Canada Lane scheme or the doctor's surgery at Arbour Close now appear likely to materialise. But Mickleton, along with Blockley and Wilersey, is described as forming a cluster of villages around Chipping Campden so that, collectively, employment and higher order services (such as secondary education, a doctor's surgery, banking and additional leisure facilities) are within reasonably easy reach. Hence, the village is identified as suitable to make a reasonable contribution to the overall District housing requirement, without compromising the environmental constraints evident elsewhere, including at Chipping Campden.

5. The site itself is a flat expanse of good arable land that wraps around the school and the cul-de-sac at Sovereign Close and extends north westwards into the countryside beyond the rear gardens of the dwellings in Back Lane. It amounts to some 8.4ha. Hedgerows and some remaining trees enclose the north eastern and north western boundaries: the remnants of derelict agricultural buildings, immersed in vegetation and shrouded by trees, enclose the south western edge beside the single track Broad Marston Road, though a wide gap in the foliage here serves as an entrance into the field: ponds, fed by a ditch, lie in the south western corner, ostensibly (but almost imperceptibly) 5m lower than the north eastern extremity: along the south eastern boundary are the fences and hedges of the dwellings in Back Lane. The whole of the village intervenes between the site and the AONB, so that the site is seen in the context of the adjacent estates and separated from the attractive designated landscape to the east.
6. A public footpath crosses the site and paths run along the southern boundary to the Heart of England Way or through the play area and the village to Baker's Hill and beyond. There are views across the site to Meon Hill and from the site to the church spire, seen against the scarp slope of the Cotswold Hills. But views across the flat vale soon peter out amidst successive envelopes of field hedges and boundary trees.

*The proposal*

7. The proposal is made in outline with all matters except the means of access reserved for subsequent approval.
8. The access arrangements entail the provision of an estate road 5.5m wide between footways 2m wide connecting to Broad Marston Road north of the school and the dwellings at Sovereign Fields and curving through the appeal site. Broad Marston Road would be widened between that new access and the entrance to Sovereign Fields forming a carriageway 5.5m wide with a single footway 2m wide along its north eastern edge.
9. The scheme envisaged is illustrated by a revised 'development framework plan'. An indicative layout is no longer suggested, although the scheme remains one for some 90 dwellings to be served by a new estate road. The proposal would accommodate space to expand the school and to provide new sports pitches adjacent to the existing village playing fields, all enveloped by swathes of 'green space', buffer planting, a SUDS balancing pond and retained field hedges. The overall density would be fairly modest at about 25dph. About 4.3ha (just over 50% of the site) would be laid out as some form of 'green space', including sports pitches, landscaping and buffer planting. The footpath across the site is shown as being enveloped in a wide, landscaped 'greenway' orientated towards the spire of St Lawrence's Church. Swathes of space would also accommodate the footpaths beside the gardens behind Back Lane and a new 'greenway' around the periphery of site.
10. A mix of dwelling types and sizes is proposed, including the occasional 2.5 storey property positioned at particular focal points; designs and materials are intended to reflect those evident in the village. The project would also deliver 50% of the homes (that is up to 45 properties) as 'affordable dwellings'. That provision would reflect the aspirations indicated in the explanations attached to policy 21 of the adopted Local Plan and the Affordable Housing SPD.

11. A signed and dated section 106 Undertaking would provide for the maintenance and management of the open space and playing fields through the provision of a 'management plan', to be submitted to and approved by the Council, and covering not just the management objectives, but also the means of funding the works involved. A contribution of £46,260 would be made towards the costs of creating, implementing and monitoring a sustainable Travel Plan designed to encourage non car-borne travel. A primary education contribution of some £263,070 (though dependent on the number of 'qualifying' dwellings eventually erected) would be offered to provide for the remodelling or upgrading of the local primary school and, similarly, a secondary education contribution of some £240,732 would provide for any necessary upgrading of Chipping Campden School. A sum of up to £17,640 would be offered to improve library facilities at Chipping Campden and a sum of £13,207.60 would be available to improve the Meon Medical Centre in Stratford-upon-Avon. In addition, a sum of £250,000 would be offered as a contribution towards providing a community building on land, made available for 3 years, to accommodate just such a structure: £2,000 would be offered to provide secure cycle stands around Mickleton: £3,000 would be made available to research potential pedestrian and cycle schemes that might enhance the connectivity of the site.
12. Suggested conditions would ensure that the scheme would be implemented as intended and that no more than 90 dwellings, 50% to be affordable units, would be erected along the lines indicated in the 'development framework plan': that the reserved matters and other details (including hard and soft landscaping and boundary treatments) would be submitted to the Local Planning Authority for approval: that foul and surface water drainage systems would be installed and controlled: that a Construction Management Plan (including hours of operation) would be devised and implemented: and that an Ecology Management Plan for the open space, detailing its layout, management and maintenance, would be submitted to the Local Planning Authority for approval.

*Planning policy and the main issues*

13. The Development Plan currently consists of the 'saved' policies in the Cotswold District Local Plan (2006), a document designed to conform over the period 2001-2011 with county-wide and regional plans long since revoked. A new Local Plan is emerging and has reached a stage in the consultation process; a Regulation 18 *Consultation: Development Strategy and Site Allocations* document having been published in January 2015. As yet a response to that consultation is awaited and the details of the mooted policies and proposals might well undergo alteration.
14. No Development Plan policy is cited in the one remaining reason for refusal, though policy 19 is referred to in proofs of evidence and statements of case. That policy aims to restrict development beyond 'development boundaries' to schemes 'appropriate to a rural area', provided that such projects would, amongst other things, relate well to existing development, only result in new-build open market housing that would help to meet the social and economic needs of rural residents, not damage existing patterns of development, not materially increase car-borne commuting and not significantly compromise sustainability. As 'development boundaries' are only identified for the 9 principal settlements (a list that does not include Mickleton), in addition to Cirencester, the whole of Mickleton lies beyond any 'development boundary' and all development within or without the settlement must be 'appropriate to a rural area' and satisfy the relevant constraints of policy 19. It is clear from the reasoned justification (particularly paragraph 3.3.19, but

also from the reference to paragraph 15 of the Annex in the superseded PPS7 and the explanation that 'the numbers involved are likely to be very small') that the policy is intended to be very restrictive; apart from replacement, sub-division or conversion, all new dwellings beyond 'development limits' must be either 'affordable' or encumbered by an appropriate occupancy condition. Indeed, the policy was devised to conform to a strategy where all 'new-build open market dwellings' beyond 'development boundaries' were deemed to be unwarranted.

15. It follows that the appeal scheme must contravene the requirements of policy 19. But, the policy is time-expired, conforms to a superseded strategy, fails to reflect the advice in the Framework (NPPF) in severely restricting rather than significantly boosting the supply of housing and conflicts with the emerging strategy now identifying Mickleton as one of 17 settlements in the District (other than Cirencester) suitable to accommodate additional dwellings. Moreover, adhering to the provisions of policy 19 in relation to the appeal proposal cannot be consistent with the recent permissions allowing 80 dwellings at Canada Lane and 70 homes at Arbour Close. In those circumstances, policy 19 can only be regarded as out-of-date. And, of course, the emerging Local Plan has not yet reached a stage where its mooted policies might reasonably serve as 'replacements'.
16. The 'legal' suggestion that policy 19 (or some of it) remains 'up-to-date' because elements chime with the Core Principles or other advice in the Framework is, I think, flawed. First, the policy criteria must logically be applied in the context of the policy, rather than as independent requirements unfettered by the carefully scripted scope of the policy itself. Second, the content of those criteria (requiring schemes for open market housing to relate well to existing patterns of development, to add little to car-borne commuting and to be 'sustainable', for example) has relevance not because it relies on the remnants of policy 19, but because it chimes with, and is endorsed by, the guidance in the Framework. Third, I disagree that the policy must imply open market housing to be appropriate to a rural area in order to engage with such development at all. The policy, as written, does engage with open market housing. But it insists that for such development to be 'appropriate to a rural area' it must be created by the replacement, sub-division or conversion of existing buildings; everything else is intended to be encumbered by some form of occupancy condition or to be offered as affordable housing.
17. Given that policy 19, the only policy cited as relevant, is 'out-of-date', the Development Plan can have little direct bearing on the determination of this appeal. Instead, as paragraph 14 of the Framework indicates, the proposal must be considered in the context of the presumption in favour of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Those are the tests that I apply here.
18. In addition, the appellants claim that a 5-year supply of deliverable housing land still cannot be demonstrated. There is no dispute that some 3045 dwellings would be likely to be delivered over that period. Rather, the dispute relates to the housing likely to be required and to the magnitude of the 'objectively assessed need'. Estimates range from 380dpa for the Council through 500dpa for the appellants to an 'illustrative' 860dpa for estimates incorporating some noticeable



redress in 'affordability' ratios. What might a reasonable estimate of the 'objectively assessed need' for housing and the housing requirement entail here?

19. In those circumstances, and from all that I have heard, read and seen, I consider that this case turns on:
- i) the level of 'objectively assessed need' for housing that might be reasonable,
  - ii) the requirement for, and the provision of, housing over the next 5 years,
  - iii) the requirement for, and the provision of, affordable housing,
  - iv) the impact of the scheme on amenity, on the landscape and on the character of Mickleton,
  - v) the overall planning balance in relation to the economic, social and environmental dimensions of 'sustainable development'.

*Objectively assessed need*

20. The Guidance (NPPG) indicates that establishing the future need for housing is not an exact science and that no single approach will provide a definitive answer. However, the approach suggested follows several discrete steps. The latest household projections are to provide the starting point adjusted, if necessary, to reflect any local demography or household formation rates not captured in past trends, such as formation rates suppressed by any under-supply or worsening affordability; similarly, migration levels may be affected by changes in employment growth or a one-off event and the demographic structure may be affected by local circumstances. The results might be adjusted to reflect appropriate market signals, to be assessed by appropriate comparisons and longer term trends (both in absolute levels and rates of change) entailing such indicators as land and house prices, rents, affordability, rates of development and overcrowding. It is explained that a worsening trend in any of those indicators could require an upward adjustment to housing numbers. The likely change in job numbers (based on past trends or economic forecasts) should be assessed and related to the forecast working age population in the housing market area (taking account of migration assumptions) to estimate the potential requirement for additional dwellings. In addition, an increase in the total housing figures should be considered where it could help deliver the required number of affordable homes.
21. As indicated above, the purpose of addressing the 'objectively assessed need' for housing here is to arrive at a reasonable estimate of the housing requirement to set against the agreed supply of dwellings over the next 5 years. In the absence of a tested Framework-compliant figure in an up-to-date Development Plan, the *Hunston* judgement indicates that the requirement should reflect the full objectively assessed need over the 5 year period. Much in the 'standard methodology' set out in the PPG is to be applied across a housing market area invoking the 'duty to cooperate' (as a means of addressing market-wide and region-wide processes) to resolve a range of inter-locking assumptions, involving migration flows, patterns of employment growth and the like. It is simply not possible to agree cross-border flows, commuting patterns or how to accommodate labour force movements in isolation from the other 'members' of the housing market area, from which it follows that the 'standard methodology' cannot easily be applied accurately in the context of a section 78 appeal; to do so must entail some fairly heroic assumptions. Indeed, the PPG implies that a more appropriate place to normally consider such matters is in the context of a local plan, for the

advice is clearly directed towards 'plan-making' rather than 'decision-taking'. For those reasons, it seems to me that the results of the current exercise should be treated with a degree of circumspection. While they might provide a broad range in which a reasonable 'objectively assessed level of housing need' might lie, they should not, in my view, be taken to identify what the 'objectively assessed level of housing need' might actually be. That exercise must await the sort of testing and wider considerations applicable to assessing the soundness of the new Local Plan that eventually emerges here.

22. Nevertheless, the assessment undertaken for the Council has been commissioned to provide advice as to what the 'objectively assessed need for housing' might be in the context of the emerging Local Plan, applies a methodology common to other Gloucestershire Councils (the Forest of Dean and Stroud) in line with the Guidance and does what it can to accommodate County or market-wide circumstances. The assessment undertaken for the appellants is rather more confined to the District and does not follow the 'standard methodology', though that is not an inherent flaw.
23. Both assessments concur that an average of some 320dpa would be required to meet the demographically induced housing needs of the District up to 2031. But, the assumptions behind that concurrence are quite different. For the Council the 2012-based projections are adjusted by 'smoothing' out migration levels to reflect the last 10 years rather than rely on the trends derived from the steeper falls experienced during the recent recession; that seems reasonable to me. For the appellants, the 2012-based projections are adjusted by assuming that the household headship rates for the 25-34 year old cohort departs from the trend projected to achieve a level last attained in 2001 by the end of the plan period. And (though with less impact) that the household headship rates for the 35-44 year old cohort reverts to the modestly increasing trend evident in the 2000s.
24. I fear that both those assumptions are baseless. The proffered explanation that past trends will return as constraints caused by the recession and housing unaffordability ease, fails to address either the evident onset of declining headship rates some 8 years before the 'crash' (during which time the markets, awash with mortgage finance, staged a mini house building boom) or the foreseeable continuation of further severe constraints manifest in the added burden of financing higher education, the absence of previously available welfare benefits and the post-recession tightening of mortgages. Nor is it clear why the headship rates for the 25-34 year old cohort should return to the highest level achieved in the last quarter of a century, which is what the level attained in 2001 actually is. And, since the only credible explanation for the adjustments to the headship rates in the 35-44 year old cohort is to reflect the 'cohort effects' of the 25-34 year olds, the adjustment must be equally unwarranted. In any case, it is not clear that either of these adjustments reflects any local demographic departure not captured in past national trends, as the Guidance suggests.
25. In the 'standard methodology' the next step is to consider whether the results might be adjusted to reflect appropriate market signals. Since the graphs for all the indicators and comparators considered follow similar patterns, no adjustment is made by the Council. However, as the Guidance indicates that 'absolute levels' should also be taken into account, the appellants argue that the markedly higher house prices and the noticeably worse measures of affordability (for example) that have persisted in the District warrant an 'uplift' in the provision of dwellings. On the basis that the median house price to income ratio in Cotswold should fall from

11.6 to 7 or even further to about 5.5 (reflecting 'improvements' advocated for England and assuming a price elasticity of -2 in relation to the total housing stock, as derived from the 'Reading model'), it is suggested that an additional 150-390dpa should be required over the plan period. Those additions are added not to the basic demographic requirement, but to the jobs-led assessment, without correcting for any potential double counting. That may be a mistake but, to be fair to the appellants, I think that there is an 'illustrative' quality to these calculations.

26. Nevertheless, even as an 'illustration', I consider that those scenarios lack reality. A house in the Cotswolds costs more than other places at least partly because it offers attractions that do not exist elsewhere. The same applies to the Chilterns (also offering swathes of AONB landscape and where similar differentials exist) and to Kensington and Chelsea (currently the place where the ratio of lower quartile prices to lower quartile incomes is the highest in the land). Because location is an integral characteristic of any dwelling, there are numerous geographical discontinuities in housing markets. That makes it inappropriate (and very misleading) to apply a price to stock elasticity derived from national (and possibly regional) models to predictions purporting to illustrate such effects within the confines of one modest District. Indeed, as the lower quartile house price to income ratio for Cotswold has remained at a fairly consistent level above that for Gloucestershire and England for the last 15 years or so, it may well be that the absolute differential elicited here is an expression of just such a geographical discontinuity. (The lower quartile house price to income ratio for Cotswold has remained roughly 1.4-1.6 times above that for Gloucestershire - it now stands at about 1.5 - and roughly 1.5-1.9 times that for England - it is currently about 1.7 - throughout the period 1997-2013.) The implication is that the price and affordability of houses in Cotswold has not been especially responsive to supply (which is one of the main implications of the Reading model nationally). It follows that a significant increase in the stock of houses in Cotswold would be likely to result, not in a noticeable decrease in house prices or improvements in affordability, but in new residents with the wherewithal to pay the prices sought. For those reasons I think that the issue of 'affordability' requires a different approach (which I address later). In my view, the evidence adduced does not demonstrate that market signals warrant an increase in the objectively assessed need for housing in the District of Cotswold.
27. The next step in the 'standard methodology' is to allow for the likely change in jobs and whether that might require the provision of additional dwellings. Forecasts are applied from Oxford Economics and Cambridge Econometrics. But, they give dramatically different results everywhere except for Cotswold District and even there the results are derived from dramatically different assessments of the local economy. Within the County an 'excess' of 7,100 dwellings contrasts with a need for 6,100 additional homes: in the 'joint core strategy' area (Gloucester, Cheltenham and Tewkesbury) the excess varies from 9,500 to just 600 homes: in the other Districts significant surpluses conflict with equally significant shortages: only in Cotswold do both 'forecasters' predict a need for additional dwellings and only in Cotswold are those predictions within the same 'ball-park' (3,800 or 2,900 new homes, respectively). But, that apparent concurrence is derived from growth driven by completely different sectors of the economy; significant growth in construction and financial and business services is forecast for one against growth in government services, accommodation and food for the other. The implied perception of the local economy could hardly be more different. Clearly, it is necessary to adopt some form of *modus operandi* in



dealing with such conflicting and contradictory predictions. And, it is the response to the inherent uncertainty created by these job forecasts that is the source of the main difference between the competing 'objective assessments of housing need'.

28. For the Council, the forecast for the District is linked to the forecast for the County by interpreting the 'excess' of 7,100 dwellings predicted as a need for no further homes, but halving the predicted need for 6,100 additional homes on the basis that there must be a 50% chance that the other forecast might materialise; the resulting 3,050 additional dwellings is then distributed between the Districts in accordance with the 'matching' predicted share of the 'additional' jobs to give an additional requirement for Cotswold of some 1,300 dwellings, or about 65dpa. This is clearly somewhat arbitrary. But, it does represent a way to acknowledge the uncertainty created by the conflicting predictions and it does have some regard for the circumstances pertaining within related labour and housing markets, at least at the County level. (I realise that the Council have based their future provision of industrial and employment land on these job forecasts, but that does not, in itself, render the predictions inherently more reliable; and, in any case, I think that rather different considerations relate to such provision.) Adding the 'jobs-led need to the demographic 'objective assessment of housing need' results in a requirement for about 385dpa, presented as a need for 380dpa.
29. For the appellants the average of the 2 competing predictions for additional dwellings (3,350) is added to the adjusted demographic assessment to achieve a requirement of 10,000 additional homes over the plan period, or about 500dpa, of which some 180dpa would cater for job increases. However, I think that such a simple approach is flawed. First, it places unwarranted reliance on the numerical concurrence between the 2 competing forecasts without addressing either the completely different sectors on which such growth is based or the substantial divergence between the predictions that occurs everywhere else. Second, it implies a sustained average increase over the period 2014-2031 in the household population of some 965ppa. That is roughly 2½ times the average increase achieved in the past (1991-2014) and, although such a level of development has been achieved once in the past 25 years, no evidence is adduced to demonstrate that it could be realistically sustained over the next 20 years. It may represent a 'significant boost to the supply of housing' but, in the absence of compelling evidence, it seems unlikely to be achievable to me. Third, almost all the growth predicted for Cotswold is assumed to require additional dwellings without recognising that there may be a good chance that adjacent Districts and nearby centres of employment might contain an 'excess' of homes. I think that this unrealistically ignores the interconnectedness within and between housing and labour markets. As a consequence, there would be a chance that the assessment would be predicated on failing to properly utilise existing infrastructure and dwellings and, thereby, be strategically unsustainable.
30. For all those reasons I prefer the estimate, at 380dpa, put forward by the Council as the 'objective assessment of housing need'. And, although I realise that the Inspector at the Stroud EiP initially criticised the assumptions used to allow for the additional jobs forecast as 'somewhat arbitrary', further analysis there has now led to the acceptance of a practically identical 'objective assessment of housing need', the difference being less than 2%. There may thus be good reason to prefer the results of a similar methodology in a neighbouring authority. (Very fairly, the other figures presented by the appellants replicating the previous rates of job growth - over the period 1991-2013 - are put forward as illustrations rather than as estimates of any 'objectively assessed need', so I do not need to address them

here.) I consider the need for affordable housing and whether an increase in the total housing figures might help to deliver the need identified later.

*The 5-year housing supply*

31. As it is agreed that some 3045 dwellings would be likely to be delivered over the next 5 years, it follows directly that the Council can demonstrate a supply of housing, with a 20% buffer, to satisfy the 'objectively assessed housing need' over the next 7.8 years. The appellants demonstrate that a supply of nearly 4.7 years would exist even with their own need assessment of 500dpa. But that shortfall depends on applying the 20% buffer in response to a 'persistent under-delivery' in the supply of housing. In spite of agreement between the parties and numerous appeal decisions by my colleagues and the Secretary of State applying just such a 20% buffer, it seems to me that the circumstances that currently apply do not support such a stance now. As clearly indicated in the Bloor Homes judgement (*Bloor Homes East Midlands Limited v SoSCLG [2014] EWHC 754 (Admin) at [122]*), 'The word 'persistent' seems to imply a failure to deliver the required amount of housing that has continued or occurred for a long time, though not necessarily through an authority's deliberate default.' The evidence available here, and set out below, does not demonstrate such a persistent failure.
32. The contrary view seems to depend upon seeking to match comparisons between the annual delivery of dwellings and the annual average requirement. But, there is no requirement (of any kind) that the delivery of dwellings should always match the annual average provision. Indeed, such an expectation would be unrealistic. Uniform distributions of dwelling delivery do not even occur at a national scale, let alone within the confines of a modest District. The provision of housing comes in 'lumps' and it follows 'cycles'. So, variations about the annual average requirement should be expected and periods of plenty, followed by periods of 'famine', should be accommodated in meeting what is actually required, namely the number of dwellings to be provided over the Plan period. Indeed, the PPG advocates as much. In assessing the 'local delivery record' a long term view is encouraged to accommodate cycles in the housing market and the advice is that past excesses can be taken into account to off-set any current under-provision.
33. In this case, the actual record of delivery over the period 1991-2014 set against the requirements prevailing at the time (the adopted Structure Plan, the Local Plan and the current 'objectively assessed need') indicate that the years when a shortfall occurred are matched by the years when a surplus was delivered (12 years to 11), a pattern that is only to be expected in comparing annual observations against an annual average. Moreover, there have been several periods when the cumulative delivery exceeded the cumulative requirement (during the 1990s and in the early 2000s), demonstrating that any under-delivery has not always persisted. And, although currently there is a cumulative shortfall against the cumulative requirements, it is very small (less than 2% in almost a quarter of a century) and is being reduced by annual surpluses achieved for each of the last 4 years. In my view, this situation cannot be described accurately as representing the 'persistent under-delivery' of the housing required. It is thus inappropriate to apply the 20% buffer now.
34. With a 5% buffer the agreed supply of housing would be sufficient to satisfy the 'objectively assessed housing need' of 380dpa over almost the next 9 years and the 500dpa requirement suggested by the appellants over a little more than the next 5 years. Hence, I consider that a 5-year supply of deliverable housing land is demonstrated.

35. The SHMA (2013) identifies an annual 'overall' need for affordable housing within Cotswold District as 574dpa. This figure is derived largely from following the methodology outlined in the now superseded *Strategic Housing Market Assessments: Practice Guidance 2007*. The number of households currently in some form of housing need is estimated together with those newly arising households likely to be in need to set against the current and future supply of affordable dwellings; the number that cannot be housed by the estimated supply is, essentially, the need for additional affordable housing. The 2007 Guidance indicated that households unable to afford suitable accommodation on the open market were those unable to meet lower quartile accommodation costs from 25% of their gross income, excluding what were then, 'housing benefit' payments, the rationale (not entirely understandable) being that a higher proportion of income devoted to housing costs could induce 'poverty' and that 'housing benefit was only paid to households who would otherwise be unable to afford their housing'. The current Guidance retains the 'entry' level at the lower quartile of accommodation costs, but it does not insist that those costs should be met from no more than 25% of household income nor does it explicitly exclude 'local housing allowance' (that now replaces housing benefit) as a source of income.
36. The draft version of the current Guidance emerged in August 2013 as the SHMA was being written and, perhaps in anticipation of the impending changes, the SHMA indicates that other estimates of the need for affordable housing might be legitimate. It shows that if payments for accommodation at lower quartile prices were to be taken from up to 35% of gross income and if the annual availability of lettings supported by 'local housing allowances' were to be added to the supply of affordable dwellings, then the annual need for affordable homes would be reduced to 130dpa. The comments contained in the SHMA are instructive. It states that *'The figure of 574 remains the overall need figure, because it is calculated in accordance with the approach [then] set out in the Practice Guidance and is therefore comparable with historical estimates and figures derived elsewhere. However, the figure of 130 is more representative of the way that housing need is experienced in current market conditions, as acknowledged by stakeholders. This can be viewed as the core housing need in Cotswold'*. I interpret this to imply that the figure of 130 is more realistic and more reflective of local conditions. And, although more people might justifiably benefit from affordable accommodation, that justification appears to rest on superseded guidance and the 'luxury' of historical and geographical comparisons.
37. Clearly, an 'objectively assessed need' of 380dpa could provide 190dpa as affordable homes (well in excess of the 'core need') if all developments were to yield 50% as affordable units. Of course, that would be most unlikely, in spite of current policies; many schemes would be small scale and below any threshold likely to require provision and some would be subject to viability constraints. However, recent experience is that an annual average of 132 affordable homes was achieved from 2008/9-2012/13 with even greater provision made recently entailing an annual average of 160 affordable dwellings from 2010 to 2014. It is thus at least plausible that a realistic need for affordable housing, reflective of local conditions, could be achieved in the context of the estimated 'objective assessment of housing need'. It follows that the 'core need' for affordable housing does not necessarily require an increase in the 'objective assessment of housing need'.

38. However, that does not mean that provision for affordable housing would not be required in relation to the appeal scheme. The Planning Officer's careful report indicates that a local need is evident in Mickleton. Some 82 households with a connection to the District are registered for rented affordable housing in this and neighbouring parishes. And local studies indicate that the Chipping Campden sub-area, of which the Mickleton is a part, has a gross annual need for 11 affordable homes. Although the 2 permitted schemes at Canada Lane and Arbour Close should deliver some 73 affordable units, the 45 affordable dwellings that could materialise on the appeal site would provide for the annual local needs arising over some 4 years, or for a slightly shorter period if used to meet any existing shortfall.
39. Moreover, the provision of affordable housing seems to me to be one of the few effective ways (in the absence of Council housing) to address the housing affordability issues recognised by the Council itself as operating in the District. The fact that housing in the Cotswolds has always (within the range of the statistics) remained consistently more unaffordable than housing in Gloucestershire or England, for example, demonstrates that this is a place where a geographical discontinuity in the housing market operates, so that prices are likely to be irresponsive to supply and different mechanisms, entailing administrative and legal measures, must be used to provide the housing people need. The provision of affordable housing here would meet those requirements.

*Amenity, landscape, character and agriculture*

40. The site is a flat expanse of arable land beside the school and the cul-de-sac at Sovereign Close extending into the countryside beyond the rear gardens of the dwellings in Back Lane. The 'development framework plan' indicates that a swathe of open space some 40m wide would lie between the closest dwellings and the properties along Back Lane, so avoiding any overlooking and providing a potentially green and pleasant outlook from the small rear gardens there. Space would also exist to ensure that the dwellings of a similar scale and with similar rear gardens would line the entrance to the new estate road and back on to the dwellings in Sovereign Close, thereby safeguarding the privacy and prospect that existing residents might reasonably expect to enjoy. Some 93 2-way trips are predicted during the morning peak hour with a similar number (87 2-way trips) during the evening. Such limited traffic, just 2 vehicles every 3 minutes, could be easily and safely accommodated on the widened Broad Marston Road and traffic modelling demonstrates that, even with all the development likely to be delivered by 2019, there would be sufficient capacity along Back Lane and at the Chapel Lane and High Street junction. The Travel Plan, to be secured through the section 106 Undertaking, should reduce the number of single occupancy car trips. Hence, the scheme would not seriously impinge on the amenity of local residents.
41. The appeal site is seen as part of the flat fertile landscape spreading into the Vale at the edge of the village. It is quite well contained (as all agree) by hedges, foliage and trees and by the vegetation and fences of the adjacent school and back gardens. There are views across the site to Meon Hill, but views into the Vale soon peter out amidst successive envelopes of field hedges and boundary trees. Importantly, the site lies beyond the AONB and apart from the Special Landscape Area and, as such, is a rare piece of land in this District (just 20% or so) not specially designated within a distinctive or attractive landscape. It is also often seen with, and is perceived in the context of, the newer estates that spread to the south and north of the village. These estates separate the site physically

and visually from the Conservation Area and the village core while the whole settlement intervenes between the site and the AONB, divorcing it from that attractive landscape and, as indicated below, from its natural setting.

42. Those characteristics would ensure that the impact of this scheme upon the surrounding landscape would be limited and restricted. Of course, this flat field would be transformed into a 'suburban-like' estate. But all that would be evident from most vantage points beyond more than a field away would be a new edge to the village and, since that would be immersed in swathes of green space and foliage, the current estate-like edge would be much enhanced. Views across the site to Meon Hill would be altered, but the scheme would barely affect views from vantage points just beyond. From vantage points along the scarp slope, the new estate would only be glimpsed and even then (as I saw for myself from Bakers Hill) it would only be manifest as a sliver of additional rooftops behind existing buildings. The views and experience of walkers on the public footpaths across the site, or adjacent on Broad Marston Road, would be altered. But those paths already run beside, or within the ambience of, existing dwellings or the school. And, although the vista of open countryside would be postponed in striking north westwards across the site, the avenue of green space would herald the approach of fields and farmland or safeguard views of the church spire against the Cotswold Hills for the 'homeward' journey. Hence, I agree with the Planning Officer and the appellants that, with the landscaping and planting proposed, this scheme could be accommodated in this landscape without any significant adverse effects, as the Landscape and Visual Impact Assessment demonstrates.
43. Mickleton is not a 'linear' settlement. It originated as a cluster of dwellings around the High Street, Chapel Lane and Hill Lane huddled beneath the Parish Church and the Manor House. The assertion made in the *Gloucestershire Landscape Character Assessment (2006)* that it is 'aligned predominantly along the B4632' and 'is likely to have been a linear village that has since expanded' is wrong and is contradicted by all the available old maps, by the archaeological evidence and by the existing settlement pattern. Because the appeal scheme would be located adjacent to the newer estates spreading to the south and north of the village core, it would not impinge on the Conservation Area or any of the 37 Listed Buildings that contribute to the character of the place. On the contrary, it would be seen in conjunction with modern development and the links, landscaping and community provision indicated on the 'development framework plan' would serve to integrate the scheme in the pattern and social fabric of the village.
44. So, although the proposal would project some 200m into the countryside from Back Lane and about 100m from the school and Sovereign Fields, it would often be seen against modern development and appear commensurate with the existing estates. Indeed, it would mirror the projection of the permitted scheme at Canada Lane across the intervening 'ridge and furrow' field. It would not be located on the lower scarp slopes, but then neither are the dwellings in Back Lane or at Sovereign Close or on many of the new estates here. It is only the Conservation Area and the older parts of the village for which that could reasonably be described as an 'established pattern of development'. The widening of Broad Marston Road would alter the character of a narrow rural lane. However, permission for 2 dwellings on 2 separate plots opposite the appeal site would also alter the character of that lane, thereby reducing the incremental damage that might otherwise be attributable to the appeal scheme alone. For those reasons, I consider that the proposal would not seriously impair the character of this village.



45. The proposal would result in the loss of the 'best and most versatile' agricultural land; 5.7ha is indicated to be of grade 2 quality and 1.9ha is shown as grade 3a. The land is actively farmed and managed, it must contribute to the viability of a farming enterprise and it is a resource of inherent value. I agree with the Council and Cllr Hughes that such land should be safeguarded for future generations, if possible. Indeed, the Framework indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account and, where significant development of agricultural land might be necessary, poorer quality land should be used in preference to that of a higher quality. Neither the Framework nor the Guidance indicates what a 'significant development' might entail in this context. Clearly, the scale of the proposed development would be well below the 20ha 'consultation threshold'. And, the long-term impact might be even less significant as only half the site (about 4ha) would actually accommodate buildings, the rest being laid out as various forms of 'green space'. No evidence is adduced to show that the scheme could be accommodated on lower quality agricultural land and the 2 recently permitted schemes also entail the loss of the 'best and most versatile' land, even though I understand that none of it was of grade 2 quality. In any case, the loss of very good agricultural land must be set against the contextual setting of the scheme amongst the modern estates and the complete absence of almost all other constraints to development that affect so much of the land within Cotswold District. The restrictions imposed by the AONB and special landscape designations, by flood risks and by the presence of heritage assets mean that good use should be made of those few sites where such restrictions do not apply. In my view, that is the case here.

*The planning balance*

46. As indicated above, this scheme must be considered in the context of the presumption in favour of sustainable development. It should succeed unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Is the scheme sustainable?
47. It seems to me that Mickleton itself is a reasonably sustainable place. It has a Post Office and a range of local shops: it has a garage, an ATM, 2 public houses and an hotel: there is church and chapel and a modern primary school: there are sports facilities, clubs and societies: and, there is a regular, if limited, bus service. It functions, as one of a cluster of villages around Chipping Campden so that, collectively, employment and higher order services (such as secondary education, a doctor's surgery, banking and additional leisure facilities) are within reasonably easy reach. Those characteristics have led the Council to identify the place as one of just 17 settlements suitable to accommodate additional housing.
48. The scheme would be sustainable too. It would lie adjacent to modern development at the edge of the village and would incorporate physical links, indicated on the 'development framework plan', physically connecting the new dwellings to the rest of the village while the Travel Plan would help to reduce the car-borne journeys that might otherwise occur. The project would contribute towards meeting the needs for market and affordable housing, providing for a mixed and inclusive community, as the Framework advocates. Moreover, the proposal would incorporate several measures to foster the integration of the new residents into the social fabric of the place; land would be made available for 3 years to provide either for the expansion of the school or for a community

building; open space would be provided to expand and enhance the existing provision and allow for off-street parking on part of the existing playing field; additional sports pitches would be provided. The green space and buffer planting would enclose this corner of the village enhancing its visual and environmental integration with the surrounding landscape without impinging on the setting of the AONB and offering the opportunity for ecological enhancement and new recreational pursuits. A SUDS balancing pond, an appropriate drainage scheme and appropriate contributions to the provision of other services and facilities would ensure that the scheme would not adversely impinge on existing infrastructure.

49. The proposal, together with the 2 permitted schemes, would expand Mickleton by roughly 30%. However, there is no evidence that such growth would be harmful or, given the social provision incorporated into the scheme, threaten community cohesion. On the contrary, there is some evidence that the new developments would result in more trade for the local shops, more customers for the local pubs and more support for the local school. And, although the provision of some 239 dwellings over the Plan period would be relatively high for what is in the adopted Local Plan a 'non-principal settlement', it would not be unique and would not appear to undermine any discernable settlement strategy exhibited in the current version of policy SP5 of the consultation document in the emerging Plan.
50. I consider, therefore, that this scheme would represent sustainable development in a reasonably sustainable place. Moreover, no conflict with a specific policy in the Framework has been demonstrated. Would any adverse impact of granting permission significantly and demonstrably outweigh the benefits of the scheme, assessed against the Framework as a whole?
51. I think that the adverse impacts of the scheme would be very modest. They would amount to the loss of the 'best and most versatile' agricultural land and the transformation of a field, crossed by footpaths, into a residential estate. For the reasons given above, the loss of this very good agricultural land would be warranted by the need to make good use of the limited supply of developable land unencumbered by the many restrictions that must apply in much of Cotswold District. And, although the scheme would itself project into the countryside beyond the village, the impact would be limited, being visually and physically contained in the landscape, such containment being reinforced by swathes of open space and 'buffer' planting.
52. The scheme would deliver several benefits. It would provide 90 dwellings within the next 5 years, boosting the supply of housing in a suitable and reasonably sustainable location. The new residents would be expected to support the social and economic sustainability of the place and add to the potential custom enjoyed by the local shops and services. The 'framework development plan' could provide the basis of a well-designed scheme, preserving important views and creating broad corridors of attractive green space with links to the village and the countryside beyond. Measures to manage the green space and to enhance ecological diversity would also be instigated, together with proposals to foster the social integration of prospective residents in contributing to the community and social life of the village. The scheme would also be likely to add to the economically active in Mickleton and, possibly, to about £2m of additional household expenditure. It would lead directly to the spending of some £9.25m on construction, the provision of some 86 jobs (or their full-time equivalent) over 3 years and indirectly to another 94 jobs. And, there would be a 'new homes bonus' payment of about £850,000.

53. Most importantly, the scheme would boost the supply of affordable housing by offering 50% of the units as affordable homes. That proportion is relatively high across the Country and it is unlikely to be achievable on all development sites or in relation to all developments. It is thus particularly important to utilise effectively those situations where such provision is possible. As I indicate above, I consider the provision of affordable housing to be one of the very few effective ways in which the 'affordability gap' evident in the District (and recognised by the Council) might be addressed.
54. For all those reasons, I conclude that the limited adverse impact of granting permission here would be significantly and demonstrably outweighed by the benefits of the scheme.

*Other matters*

55. Although not raised as issues at the Inquiry, several other matters affect the nature of the scheme or the conditions that might be imposed. First, although the site is in Flood Zone 1, it is flat and the development would increase surface water run-off. The submitted Flood Risk Assessment indicates how the discharge of surface water could be limited to green-field rates by installing a SUDS drainage scheme. The Environment Agency raises no objection, subject to the imposition of suitable conditions.
56. The foul sewage and the water supply systems involve infrastructure elements that are inadequate. The consultation response from Thames Water suggests that conditions should be imposed to require an assessment of the additional capacity that might be required and to indicate suitable connection points. However, there is a statutory duty to provide such connections under the requirements of the Water Industry Act 1991. Hence, there would be no need for planning conditions to duplicate powers available under other legislation, as the submitted notes confirm.
57. The submitted Ecological Appraisal demonstrates the presence of ponds, wet habitats and amphibians (though no protected species), the existence of a main Badger sett, the foraging of bats along the boundary hedgerows and the potential use of some trees by bats. As the ponds are to be retained, a 30m safeguarding zone maintained around the sett, badger pathways and forage areas accommodated, and the hedgerows and trees preserved, the scheme need not unacceptably impinge on any protected species or habitat and could accord with policy and the relevant Regulations. However, such compliance would depend upon the detailed management of the proposed green spaces and ponds, so that a condition requiring the submission of an Ecological Management Plan would be warranted.
58. An original reason for refusal, since withdrawn, related to the absence of an archaeological investigation of the appeal site, given the wealth of interesting finds uncovered in the vicinity, including those relating to prehistoric and Roman settlements at the former Meon Hill Nurseries site. However, a subsequent investigation has shown that there is no potential for unknown archaeological remains on the appeal site. Hence, there is no requirement for further archaeological work.

*The Undertaking and conditions*

59. The provisions of the signed and dated section 106 Undertaking are outlined above; they should comply with the tests set out in CIL Regulations 122 and 123.

The submitted 'CIL compliance statement' demonstrates that those tests are met, and supported by policies in the adopted Local Plan, with respect to the contributions towards primary and secondary education and to the library at Chipping Campden, all in accordance with policy 49. In a similar vein, the contribution to the Meon Medical Centre would ameliorate pressure on existing facilities due to the development. In addition, several elements of the Undertaking would be directed at providing specific facilities for the proposal (thereby not entailing payments that could be 'pooled') and be integral to the 'sustainability' of the scheme, a finding on which my decision depends. This would include contributions towards the costs of creating, implementing and monitoring a sustainable Travel Plan to promote non car-borne travel, to provide secure cycle stands and to explore the implementation of schemes to foster travel on foot and by bicycle.

60. Provision for the maintenance and management of the open space and playing fields through the preparation of a 'management plan' and the creation of a 'management company' would be vital to achieving the visual containment and the environmental enhancements fundamental to my decision. In addition, I think that the measures to foster the integration of the scheme into the social fabric of Mickleton are also integral to the nature of the proposal and the ethos it exhibits. This would include the offer to make land available for 3 years to provide either for the expansion of the school or for a community building and, if the latter, to contribute to its construction. This would be directly related to the development, 'reasonable' in relation to the scale of the scheme and 'necessary' to achieve the type and quality of the project intended. And, being specifically related to the village, it would not constitute a 'type of infrastructure' featuring in previous Obligations. I think that the requirements of the Regulations would be met.
61. As indicated above, the conditions are intended to ensure that the scheme would be implemented as intended. I have explained the absence of conditions relating to foul water drainage and archaeology. I need only add that, as the proposed access arrangements were deemed to be acceptable, further approval would not seem to be required; construction of the roads and the surface water drainage details would be subject to other legislation or other conditions. Also, I think that the operating hours of the construction should be controlled, in view of the proximity of the site to existing dwellings and this quiet rural location; a suitable condition is imposed. The need to undertake an investigation for potential contamination is mainly due to the presence of derelict structures towards the south western corner of the site. The reasons for imposing the other conditions are either explained elsewhere or are self-evident.

#### *Conclusion*

62. I have found that a 5-year supply of deliverable housing land is likely to exist, given the level of 'objectively assessed housing need' that I find likely to suffice. Even so, I consider that the provision of some 45 units (50%) as affordable dwellings would make an important contribution to addressing the 'affordability gap' evident in the District. The scheme would not seriously impinge on the amenity of local residents and, with the landscaping and planting proposed, it could be accommodated in this landscape without any significant adverse effects and without seriously impairing the character of the village. As the proposal would represent sustainable development in a reasonably sustainable place, and as its few adverse impacts would be clearly outweighed by the many benefits of

the scheme, I conclude that this appeal should succeed in accordance with the advice in the Framework, subject to the conditions listed in the attached schedule.

**Decision**

63. The appeal is allowed and outline planning permission is granted for residential development (up to 90 dwellings) including, access, parking, public open space, landscaping and associated infrastructure on land to the east of Broad Marston Road, Mickleton, Gloucestershire in accordance with the terms of the application ref: -14/02365/OUT (dated 27 May 2014) and the plans submitted therewith, subject to the conditions listed in the attached schedule.

*David Cullingford*

INSPECTOR

Richborough Estates



APPEARANCES  
FOR THE APPELLANTS:

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FOR THE LOCAL PLANNING AUTHORITY:

George Mackenzie of Counsel

Instructed by:  
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District Council

He called

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Andrew Miles BA DipTP MRTPI

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Director, LPC (Trull) Limited

INTERESTED PERSONS:

Cllr Sue Jepson  
Cllr Robin Hughes

Blockley Ward Counsellor  
Sandywell Ward Counsellor and Chairman of  
the Planning and Licensing Committee

Richborough Estates

## DOCUMENTS

Document 1	Lists of persons present at the Inquiry
Document 2	Summary, proof and appendices ~ Ricardo Gomez
Document 3	Rebuttal proof ~ Ricardo Gomez
Document 4	Summary, proof and appendices ~ Timothy Jackson
Document 5	Summary and proof ~ Robert Hindle
Document 6	Appendices ~ Robert Hindle
Document 7	Summary and proof ~ Jason Tait
Document 8	Proof and appendices ~ Neil McDonald
Document 9	Rebuttal proof and appendices ~ Neil McDonald
Document 10	Summary, proof, appendices and photos ~ Andrew Miles
Document 11	Bundle of representations
Document 12	Inspector's index to the representations
Document 13	Further copies of representations
Document 14	Statements of Case: For the Council For the appellants
Document 15	Statement of Common Ground
Document 16	Letters of notification and circulations lists
Document 17	Letter from Counsellor Hughes

## INQUIRY DOCUMENTS

ID01	Extract from NPPG; assessing housing need
ID02	<i>West Berkshire DC and Reading BC v DCLG [2015] EWHC 2222 (Admin) CO/76/2015</i>
ID03	Affordable home ownership, Cotswold DC
ID04	Housing need tables: comparisons between estimates for the Council and the appellants
ID05	Committee report updating the list of settlements suitable to accommodate housing
ID06	Development Strategy, 2014
ID07	Draft section 106 Undertaking
ID08	The settlement pattern of Mickleton; maps and archaeological evidence
ID09	<i>Bloor Homes (East Midlands) Limited v SoS and Hinckley and Bosworth BC [2014] EWHC 754 (Admin) CO/2334/2013</i>
ID10	Decision notice: outline permission for 1 dwelling on Broad Marston Road, 15/01556/OUT, 10 June 2015
ID11	Decision notice: outline permission for 1 dwelling on Broad Marston Road, 14/04961/OUT, 15 January 2015
ID12	Suggested conditions
ID13	Reasons why a condition related to potable water is unnecessary
ID14	Reasons why a condition related to foul drainage is unnecessary
ID15	CIL compliance statement
ID16	Council's opening submissions
ID17	Council's closing submissions
ID18	Appellant's opening submissions
ID19	Appellant's closing submissions
ID20	Signed and dated section 106 Undertaking

## **CORE DOCUMENTS**

### **CD1 Application Documents**

- 1.01 Application Covering Letter, Application Form and Certificates
- 1.02 Location Plan (including Application Red Line) (Dwg no: 2013-083/001 REV c)
- 1.03 Site Access (Dwg no: C13684-002)
- 1.04 Development Framework (Dwg no: 5932-L-01 rev G)
- 1.05 Planning Statement
- 1.06 Design & Access Statement
- 1.07 Landscape & Visual Assessment
- 1.08 Transport Assessment
- 1.09 Travel Plan
- 1.10 Ecological Assessment
- 1.11 Arboricultural Assessment
- 1.12 Foul Drainage Strategy
- 1.13 Flood Risk Assessment
- 1.14 Air Quality Screening Assessment
- 1.15 Noise Screening Assessment
- 1.16 Heritage Statement
- 1.17 Archaeological Desk-based Assessment
- 1.18 Energy Statement
- 1.19 Socio-Economic Sustainability Statement
- 1.20 Sustainability Assessment of Mickleton
- 1.21 Statement of Community Involvement

### **CD2 Documents sent to CDC Following Submission**

- 2.01 Enlarged Illustrative Masterplan (Dwg no: 5932-L-03)
- 2.02 Secretary of State Screening Direction 21 July 2014
- 2.03 Amended Illustrative Masterplan (Dwg no: 5932-L-03 Rev A)
- 2.04 Transport Technical Note 1 (9 July 2014)
- 2.05 Transport Technical Note 2 (12 August 2014)
- 2.06 Transport Technical Note 2a (12 August 2014)
- 2.07 Transport Technical Note 3 (15 August 2014)
- 2.08 Site Access Arrangement Refuse Vehicle Track Pilot (Dwg no: C13684-003 A)
- 2.09 Mickleton Traffic Flows
- 2.10 North Junctions Report
- 2.11 South Junction Report
- 2.12 Chapel Lane/High Street existing Arrangements (Dwg no: C13684-004)
- 2.13 Sapcote Appeal Decision
- 2.14 Great Crested Newt Report (August 2014)
- 2.15 Bat Survey Report (August 2014)
- 2.16 Fairford Appeal Decision
- 2.17 Soil survey results map
- 2.18 Geophysical Survey Results Note and maps

### **CD3 Correspondence with Local Planning Authority**

- 3.01 29-04-14 Screening Opinion Letter from Cotswold DC
- 3.02 22-05-14 Email to Alison Curtis regarding Transport Assessment
- 3.03 03-06-14 Pre-Application Advice Note

- 3.04 10-06-14 Email from Alison Curtis commenting on Transport Assessment
- 3.05 23-06-14 Email to Claire Baker providing enlarged illustrative
- 3.06 24-06-14 Email from Claire Baker acknowledging that master-plan is illustrative only
- 3.07 09-07-14 Email forwarding County Archaeologist comments
- 3.08 09-07-14 Email and attachment addressing GCC Highway Team comments on the TA
- 3.09 10-07-14 Email clarifying Conservation & Design Response
- 3.10 11-07-14 Email setting out GCC Education contributions
- 3.11 21-07-14 Email response to County Archaeologist comments
- 3.12 21-07-14 Email chasing response from GCC Highways Team
- 3.13 29-07-14 Email from Claire Baker containing signed Planning Performance Agreement
- 3.14 04-08-14 Further email chasing response from GCC Highways Team
- 3.15 05-08-14 Holding response from GCC Highways Team
- 3.16 08-08-14 Response from GCC Highways Team
- 3.17 11-08-14 Email confirming pre-determination meeting with Case Officer
- 3.18 12-08-14 Email to GCC Highways containing Technical Note 2
- 3.19 12-08-14 Email to GCC Highways containing Site Access drawing
- 3.20 12-08-14 Email containing updated illustrative master-plan
- 3.21 14-08-14 Email from GCC Highways containing Trip Generation data
- 3.22 14-08-14 Email to GCC Highways containing revised Technical Note
- CD3 Correspondence with Local Planning Authority Continued**
- 3.23 15-08-14 Email to GCC Highways containing Technical Note 3
- 3.24 15-08-14 Email to Claire Baker summarising pre-determination
- 3.25 18-08-14 Email from GCC Highways requesting additional information
- 3.26 21-08-14 Response to GCC Highways supplying sequestration information
- 3.27 21-08-14 Email to Claire Baker setting out response to Thames Water
- 3.28 21-08-14 Email forwarding Parish Council contribution request
- 3.29 26-08-14 Email confirming no Highways objection
- 3.30 26-08-14 Email to Claire Baker containing GCN report
- 3.31 27-08-14 Email regarding Education Contributions and CIL Compliance
- 3.32 27-08-14 Email from Claire Baker confirming accuracy of meeting summary
- 3.33 29-08-14 Email to Claire Baker containing additional bat survey report
- 3.34 03-09-14 Email regarding CIL compliance of Education Contribution
- 3.35 03-09-14 Email forwarding Parish Council view on proposed sports
- 3.36 03-09-14 Email outlining CIL compliance of requested NHS contributions
- 3.37 08-09-14 Email from Claire Baker confirming intention to seek delegated refusal on archaeology and s106 agreement grounds
- 3.38 09-09-14 Email to Claire Baker acknowledging intention to seek delegated refusal
- 3.39 10-09-14 Email from Claire Baker confirming members want to debate the application at Planning Committee
- 3.40 10-09-14 Email querying whether application will be considered at Committee
- 3.41 10-09-14 Email confirming application will have to be considered by

- 3.42 the Planning Committee  
10-09-14 Email querying whether application could still be refused under delegated powers
- 3.43 11-09-14 Email outlining rationale for taking application to Committee
- 3.44 11-09-14 Email requesting Case Officer's Committee Report
- 3.45 11-09-14 Email outlining committee report procedure
- 3.46 16-09-14 Email forwarding Biodiversity Officer response
- 3.47 16-09-14 Email exchange regarding soil quality
- 3.48 16-09-14 Email addressing Biodiversity Officer concerns
- 3.49 17-09-14 Email from Case Officer confirming she will forward comments to Biodiversity Officer
- 3.5 23-09-14 Email exchange chasing Committee Report
- 3.51 30-09-14 Further email to Case Officer chasing Committee Report plus info on Fairford appeal decision
- 3.52 30-09-14 Response from Case Officer confirming CDC aware of Fairford appeal decision
- 3.53 30-09-14 Email from Case Officer forwarding response from Mickleton Parish Council
- 3.54 01-10-14 Email to Case Officer clarifying various points
- 3.55 02-10-14 Email from Case Officer confirming further details passed to County Archaeologist and seeking clarifying on various points
- 3.56 02-10-14 Email from Case Officer forwarding County Archaeologist's response
- 3.57 02-10-14 Response to Case Officer
- CD4 Officer's Committee Report**
- 4.1 Officer's Committee Report
- CD5 Decision Notice**
- 5.1 Decision Notice
- CD6 Consultation Responses**
- 6.01 24th July 2014 - Affordable Housing - CDC Housing Enabling Officer
- 6.02 24th June 2014 - GCC Archaeologist
- 6.03 4th July 2014 - Chipping Campden Town Council
- 6.04 3rd July 2014 - CDC Environmental Protection Officer
- 6.05 3rd September 2014 - Development Services - Biodiversity FINAL
- 6.06 8th July 2014 - Development Services - Biodiversity
- 6.07 11th July 2014 - GCC Asset Management & Property Services
- 6.08 10 July 2014 - Environment Agency
- 6.09 27th June 2014 - Development Services - Conservation
- 6.10 1st July 2014 - Development Management - Highways
- 6.11 26th August 2014 - Development Management - Highways FINAL
- 6.12 10th July 2014 - Development Services - Landscape
- 6.13 15th July 2014 - NHS Property Services
- 6.14 9th July 2014 - Mickleton Parish Council
- 6.15 2nd July 2014 - Severn Trent Water
- 6.16 7th July 2014 - Thames Water
- 6.17 31st July Development Services - Tree Team
- CD7 Planning documents**
- 7.1 Extracts from emerging Local Plan Feb 2015
- 7.2 New housing land supply paper 2015 and Residential Land Monitoring



- 7.3 Stats April 2015
- 7.4 New Housing Land Supply Paper 2015
- 7.4 Housing and growth
- 7.5 Affordable housing SPD
- 7.6 Local Plan Reg 18 Consultation: Development Strategy & Site Allocations Jan 2015
- 7.7 Local Plan 2001-2011(ELECTRONIC ONLY)
- 7.8 Regional Spatial Strategy (ELECTRONIC ONLY)
- 7.9 Structure Plan 1991-2011 (ELECTRONIC ONLY)
- 7.10 Structure Plan 2001-2016 (ELECTRONIC ONLY)
- 7.11 Local Plan Consultation Paper Preferred Development Strategy 2013 (ELECTRONIC ONLY)
- 7.12 NPPG (ELECTRONIC ONLY)
- 7.13 NPPF (ELECTRONIC ONLY)
- 7.14 NPPF Technical Guidance (ELECTRONIC ONLY)
- 7.15 Planning and Compulsory Purchase Act (ELECTRONIC ONLY)
- 7.16 CIL (ELECTRONIC ONLY)
- 7.17 Regional Planning Guidance for the South West (RPG 10) (ELECTRONIC ONLY)
- 7.18 The Regional Strategy for the South West (Revocation) Order (ELECTRONIC ONLY)
- 7.19 Saved Policies and Schedule (ELECTRONIC ONLY)

**CD8 Additional Documents**

*Landscape*

- 8.01 Cotswold DC land sensitivity report - EXTRACTS
- 8.02 Cotswolds AONB LCA - EXTRACTS
- 8.03 Gloucestershire LCA 2006 - EXTRACTS
- 8.04 Landscape Character Assessments outside AONB - CHAPTERS 1 AND 4 ONLY
- 8.05 NCA 106 Severn and Avon Vales MW171214
- 8.06 NCA107 Cotswolds 160315MW

*Housing & Sustainability*

- 8.07 Housing Evidence Paper December 2014
- 8.08 MacDonald and Whitehead
- 8.09 Gloucestershire SHMA 2014
- 8.10 Inspector's Interim Conclusions
- 8.11 PS A017b Inspectors Interim Views
- 8.12 Mickleton Mosaic March 2015 Understanding Demographics Describing Mickleton In Relation To Cotswold
- 8.13 Mickleton PDP March 2015 Property Development Pack Describing Mickleton In Relation To Cotswold
- 8.14 Department for Transport: National Travel Survey: England 2013
- 8.15 Office for National Statistics - Characteristics of Home Workers, 2014
- 8.16 ONS: The Headlines: Household Expenditure at a Glance, published 2012
- 8.17 ONS: The Headlines: Household Expenditure at a Glance, published 2013
- 8.18 DEFRA: Policy brief - how increased connectivity is boosting economic prospects of rural areas, December 2014
- 8.19 ONS: Record proportion of people in employment are home workers
- 8.20 Cotswold District Local Plan: Evidence Base Development Strategy Evidence Paper April 2013

- 8.21 Cotswold District Council: Residential Land Monitoring Statistics April 2014
- 8.22 Cotswold District Council: Role and Function of Settlements Study Local Plan: Evidence Base July 2012
- 8.23 TUC: Home-working on the increase despite the recession, May 2013
- 8.24 UCL: Research into Rural Housing Affordability, Executive summary

**CD9 Appeal decisions**

- 9.01 Land at Gaydon Road, Bishop's Itchington, Southam, Warwickshire Ref: APP/J3720/A/13/2202961: 29 January 2014
- 9.02 Land opposite Rose Cottages, Holmes Chapel Road, Brereton Heath, Cheshire Ref: APP/RO660/A/13/2192192: 12 February 2014
- 9.03 Land Off Banady Lane, Stoke Orchard, near Tewkesbury, Gloucestershire Ref: APP/G1630/A/14/2223858: 22 January 2015
- 9.04 Land off Bath Road, Leonard Stanley Ref: APP/C1625/A/13/2207324: 21 July 2014
- 9.05 Land off Nantwich Road, Tarporley, Cheshire Ref: APP/A0665/A/11/2167430 29 August 2013
- 9.06 Land off Walden Road, Thaxted Ref: APP/C1570/A/14/2222958 : 1 June 2015
- 9.07 Highfield Farm, Tetbury, Glos APP/F1610/A/11/2165778; 13 February 2013
- 9.08 Tetbury JR [2013] EWHC 3719 (Admin)
- 9.09 Land to the South of Berrells Road and to the west of Bath Road, Tetbury, Glos APP/F1610/A/12/2173305; 13 February 2013
- 9.10. Bishop's Cleeve APP/G1630/A/11/2146206, APP/G1630/A/11/2148635 16 July 2012
- 9.11 Land off Station Road, Bourton-on-the-Water, Gloucestershire Ref: APP/F1610/A/13/2196383 15 January 2014
- 9.12 Land at Todenham Road, Moreton in Marsh, Gloucestershire APP/F1610/A/10/2130320; 12 April 2011
- 9.13 St Albans v SoS Hunston
- 9.14 SoS Hunston v St Albans
- 9.15 Paddock adjacent Glyde House, Stratford Road, Mickleton, Chipping Campden APP/F1610/A/12/2182300, 21 December 2012
- 9.16 Land adjacent Badgers Field, George Lane, Chipping Campden, Glos APP/F1610/A/12/2173963 25 September 2012
- 9.17 Land at Top Farm, Kemble, Cirencester, Gloucestershire Ref: APP/F1610/A/12/2173097: 9 January 2013
- 9.18 Wells Masonry Group Ltd, Ilsom Farm, Ilsom, Tetbury Ref: APP/F1610/A/13/2193264 3 July 2013
- 9.19 4 - 6 Black Jack Street, Cirencester, Glos APP/F1610/A/12/2189488 & APP/F1610/E/13/2189900 12 August 2013
- 9.20. Land adjacent to Badgers Field, George Lane, Chipping Camden, Glos Ref: APP/F1610/A/13/2202439 12 November 2013
- 9.21 Land west of Siddington Road, Siddington, Cirencester Ref: APP/F1610/A/11/2161332 13 July 2012
- 9.22 APP/Y2810/A/14/2228921, New Street, Weedon, Northamptonshire, determined 12 June 2015, §86
- 9.23 APP/Y2810/A/14/2225722, Salisbury Landscapes Ltd, Boughton Road, Moulton, Northampton, determined 18 June 2015, §80
- 9.24 APP/D0840/A/13/2209757, Land north of Upper Chapel, Launceston PL15 7DW, determined 11 April 2014, §51

- 9.25 APP/F1610/A/13/2203411 Land at Oddington Road, Stow-on-the-Wold  
9.26 APP/P1133/A/12/2188938 Land to the South of Shutterton Lane, Dawlish, Devon. Allowed 10 September 2013  
9.27 APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426 Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa  
9.28 APP/F1610/A/14/2213318 Land south of Cirencester Road Fairford GL7 4BS  
9.29 [2015] EWHC 488 (Admin) Stroud DC -v- SoS and Gladman

**CD 10 Second Planning Application**

- 10.1 Framework Plan Rev K  
10.2 Planning Committee Report  
10.3 Decision notice  
10.4 Consultation responses - ELECTRONIC ONLY  
10.5 Representations - ELECTRONIC ONLY  
10.6 Further archaeology report revised scheme  
10.7 Agricultural land report revised scheme  
10.8 DAS Addendum Rev C  
10.9 Email from GCC to LPA confirming land for school expansion not required

**CD 11 Miscellaneous Documents**

- 11.1 Committee report Cala site  
11.2 Committee report Newland site

**PLANS**

- |       |   |   |   |                 |
|-------|---|---|---|-----------------|
| Plans | A | 1 | Revised 'development framework plan           | 5932-L-01/K     |
|       |   | 2 | Site access arrangements                      | C13684-002/B    |
| Plan  | B | 1 | 'Development framework layout plan            | 5932-L-03/B     |
|       |   | 2 | Site access arrangements                      | C13684-002      |
| Plan  | C |   | Agricultural land quality, south west region, | Natural England |

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## Schedule of Conditions

### Details

- 1) Details of reserved matters set out below ('The Reserved Matters') shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - i. layout,
  - ii. scale,
  - iii. appearance, and
  - iv. landscaping.The development shall be carried out in accordance with the approved 'Reserved Matters'. Approval of all 'Reserved Matters' shall be obtained from the Local Planning Authority in writing before any development commences.
- 2) The development shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved
- 3) The development hereby permitted shall be carried out along the lines shown on the 'development framework plan' 5932-L-01/K and shall be limited to no more than 90 dwellings.

### Affordable housing

- 4) Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be 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 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 consist of not less than 50% of the total number of dwellings permitted;
  - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider, or alternative arrangements for the future management of the affordable housing;
  - iv. arrangements to ensure that the affordable housing is affordable not only for the first occupiers but also for subsequent occupiers; and
  - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced.

### Drainage

- 5) No development shall take place until a scheme for the provision and future management and maintenance of the surface water drainage from the site, incorporating 'sustainable drainage principles', together with a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and shall be retained at all times thereafter.
- 6) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Hydrock Ref R/C13684 dated 22 May 2014 and the following mitigation measures detailed with the FRA:

Limiting the surface water run-off from the development to the equivalent existing green-field run-off rates so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site,

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

### Ecology

- 7) No development works shall take place on site until a Badger Mitigation Strategy and a 10 year Landscape and Ecological Management Plan (to include pond restoration) and based on the recommendations in the Ecological Appraisal (December 2014), the Bat Survey report (January 2015) and the Great Created Newt Survey report (August 2014) by fpcr (and illustrated on drawing no. 5932-L-03 rev B) has been submitted to and approved in writing by the Local Planning Authority. All the works must be carried out in accordance with the details in the approved plans and strategies, and thereafter permanently maintained.

### Tree protection

- 8) Prior to the commencement of development, a tree protection plan and arboricultural method statement that accords with BS5837:2012 shall be submitted for approval to the Local Planning Authority. Once the tree protection plan and method statement have been agreed in writing by the Local Planning Authority, all the details shall be implemented in full and in accordance with any timescales laid out in the tree protection plan and method statement.

*Roads and surfaces*

- 9) No dwelling, hereby approved, shall be occupied until the access arrangements shown on the Proposed Access Drawing C13684-002 Rev B have been completed and open to the public.

*Construction method statement*

- 10) Construction works pursuant to this permission shall not take place other than between the hours 08.00hrs and 18.00hrs Monday to Fridays and between 08.00hrs and 13.00hrs on Saturdays. No works shall take place on Sundays or on Bank or Public Holidays.
- 11) No development shall commence until a Construction, Transport & Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of:
  - i. Parking for vehicles of site personnel, operatives and visitors;
  - ii. Loading and unloading of plant and materials;
  - iii. Storage of plant and materials used in constructing the development;
  - iv. Provision of boundary hoarding behind any visibility zones;
  - v. Wheel washing facilities
  - vi. Measures to control the emission of dust and dirt during construction;
  - vii. On-site turning facilities for construction vehicles; and
  - viii. A scheme for recycling or disposing of waste resulting from the construction works.

*Contamination*

- 12) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins.
- 13) If any significant 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 before any development begins. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance or works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.
- 14) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this 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.

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